

Adjournment

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Wednesday, February 1, 2017.

WEDNESDAY, FEBRUARY 1, 2017

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Mark Mendes of Essex Junction.

Message from the House No. 11

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 125. An act relating to fiscal year 2017 budget adjustments.

In the passage of which the concurrence of the Senate is requested.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 58.

By Senators Pollina and Pearson,

An act relating to creating an education property tax that is adjusted by income for all taxpayers.

To the Committee on Finance.

S. 59.

By Senator Cummings,

An act relating to certain businesses regulated by the Department of Financial Regulation.

To the Committee on Finance.

S. 60.

By Senator Benning,

An act relating to the repeal of 21 V.S.A. § 6.

To the Committee on Economic Development, Housing and General Affairs.

S. 61.

By Senators Sears and Ashe,

An act relating to offenders with mental illness.

To the Committee on Judiciary.

Bill Referred

House bill of the following title was read the first time and referred:

H. 125.

An act relating to fiscal year 2017 budget adjustments.

To the Committee on Appropriations.

Adjournment

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Thursday, February 2, 2017.

THURSDAY, FEBRUARY 2, 2017

The Senate was called to order by the President *pro tempore*.

Devotional Exercises

Devotional exercises were conducted by the Reverend Peter Routhier of Montpelier.

Committee Relieved of Further Consideration; Bill Committed**S. 50.**

On motion of Senator Cummings, the Committee on Finance was relieved of further consideration of Senate bill entitled:

An act relating to insurance coverage for telemedicine services delivered in or outside a health care facility,

and the bill was committed to the Committee on Health and Welfare.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 62.

By Senators Sirotkin, Kitchel, MacDonald, Mullin and Westman,

An act relating to requiring out-of-state vendors to report to the Department of Taxes certain sales and use tax data, and to have the Department of Taxes increase use tax compliance.

To the Committee on Finance.

S. 63.

By Senators Rodgers and Starr,

An act relating to siting jurisdiction for temporary meteorological stations.

To the Committee on Natural Resources and Energy.

S. 64.

By Senators Rodgers and Starr,

An act relating to science-based drug education.

To the Committee on Education.

Adjournment

On motion of Senator Mazza, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

FRIDAY, FEBRUARY 3, 2017

The Senate was called to order by the President *pro tempore*.

Devotional Exercises

Devotional exercises were conducted by the Reverend Jeff Fuller of Waterbury Center.

Message from the House No. 12

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 53. An act relating to permitting planting projects in flood hazard areas.

In the passage of which the concurrence of the Senate is requested.

Message from the House No. 13

A message was received from the House of Representatives by Ms. Melissa Kucserik, its First Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered joint resolution originating in the Senate of the following title:

J.R.S. 12. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Joint Resolutions Placed on Calendar

J.R.S. 13.

Joint Senate resolution of the following title was offered, read the first time and is as follows:

By Senator White,

J.R.S. 13. Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, February 16, 2017, at ten o'clock and thirty minutes in the forenoon to elect a Sergeant at Arms, an Adjutant and Inspector General, and three trustees of the University of Vermont and State Agricultural College. In case election of all such officers shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such officers are elected.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

J.R.S. 14.

Joint Senate resolution of the following title was offered, read the first time and is as follows:

By Senator White,

J.R.S. 14. Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2017.

Whereas, in 1997 the election of three trustees of the University of Vermont and State Agricultural College was decided by plurality vote, which required one ballot only, and

Whereas, in 1999 the election of three trustees of the University of Vermont and State Agricultural College was decided by majority vote, which required a total of eight ballots, and

Whereas, in 2001 and subsequent bienniums the elections of three trustees of the University of Vermont and State Agricultural College were decided by plurality vote, each of which required one ballot only, and

Whereas, if an election for multiple vacancies is to be decided by a plurality vote, then a great savings of time can be effectuated, *now therefore be it*

Resolved by the Senate and House of Representatives:

That, notwithstanding the current provisions of Joint Rule 10, and for this election only, the election of three trustees of the University of Vermont and State Agricultural College at a Joint Assembly to be held on February 16, 2017, shall be governed by the following procedure:

(1) All candidates for the office of Trustee shall be voted upon and decided on the same ballot; members may vote for any number of candidates up to and including the maximum number of vacancies to be filled, which in this case shall be three.

(2) The three candidates receiving the most votes shall be declared elected to fill the three vacancies.

(3) In the event that the first balloting for the Trustee vacancies results in a tie vote for one or more of the three vacant positions, then voting shall continue on successive ballots until the vacancies have been filled, again by election declared of those candidates receiving the most votes.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

Senate Resolution Placed on Calendar

S.R. 5.

Senate resolution of the following title was offered, read the first time and is as follows:

By All Members of the Senate,

S.R. 5. Senate resolution relating to declaring the Vermont Senate's continuing dedication to its historic and fundamental values of democracy, diversity, and pluralism.

Whereas, Vermont has a long and proud history of standing up for human rights and democratic values, and

Whereas, the original Vermont Constitution of 1777 declared “all men are born free and independent,” and

Whereas, this founding document included the common benefits clause, abolished adult slavery, guaranteed freedom of religion and speech, and provided in clause 8 of Chapter I “that all freemen having a sufficient evident common interest with, and attachment to the community, have a right to elect officers, or be elected into office,” and

Whereas, prior to the Civil War, the General Assembly defiantly refused to enforce fugitive slave laws of other jurisdictions, and

Whereas, while Vermont has been a leader in protecting civil liberties and ensuring individual rights, our State has erred on occasion and it is imperative that we learn from our past mistakes, and

Whereas, the Green Mountain State is—and must always be—a refuge of justice and opportunity for all persons, *now therefore be it*

Resolved by the Senate:

That the Senate of the State of Vermont will not acquiesce in any encroachment on our fundamental democratic values nor allow a reversal of generations of progress in the promotion of diversity, equality, pluralism, social justice, and mutual respect for one another, *and be it further*

Resolved: That the Senate of the State of Vermont will oppose the weakening of federal laws that ensure and protect the rights of all Vermonters, regardless of a person’s ethnicity, legal residency status, place of birth, race, religion, or sexual orientation, *and be it further*

Resolved: That the Senate of the State of Vermont will unfailingly defend our State’s progress towards a truly equal, pluralistic, and welcoming society, using every tool at our disposal, *and be it further*

Resolved: That the Senate of the State of Vermont will oppose initiatives intended to reimpose long discarded federal laws or policies that limited the associational, political, and religious rights of some Americans, *and be it further*

Resolved: That the Senate of the State of Vermont will not countenance the extinguishment of the Statue of Liberty's flame of freedom that Emma Lazarus described so movingly in her poem, *The New Colossus*, and be it further

Resolved: That the Senate of the State of Vermont declares its continuing dedication to defending our State's historic and fundamental democratic values, and be it further

Resolved: That the Secretary of the Senate be directed to send a copy of this resolution to the Governor and the Vermont Congressional Delegation.

Thereupon, in the discretion of the President, under Rule 51, the resolution was placed on the Calendar for action the next legislative day.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 65.

By Rodgers and Starr,

An act relating to jury service by senior citizens.

To the Committee on Judiciary.

S. 66.

By Senators Lyons, Ayer, Cummings, MacDonald and McCormack,

An act relating to a cap and trade program for greenhouse gas emissions caused by transportation, heating, and other energy use.

To the Committee on Natural Resources and Energy.

S. 67.

By Senators MacDonald and Rodgers,

An act relating to increasing the penalties for the shooting of a law enforcement dog.

To the Committee on Judiciary.

S. 68.

By Senators MacDonald, Campion, Cummings, Flory, Lyons and Mullin,

An act relating to partition of real estate when parties have a pending case in the Family Division of the Superior Court.

To the Committee on Judiciary.

S. 69.

By Senator Sears,

An act relating to an employer's compliance with an income withholding order from another state.

To the Committee on Judiciary.

Bill Referred

House bill of the following title was read the first time and referred:

H. 53.

An act relating to permitting planting projects in flood hazard areas.

To the Committee on Natural Resources and Energy.

Appointments Confirmed

The following Gubernatorial appointments were confirmed separately by the Senate, upon full reports given by the Committees to which they were referred:

The nominations of

Pallito, Andy of Jericho - Commissioner, Department of Finance and Management - January 5, 2017, to February 28, 2017.

Pallito, Andy of Jericho - Commissioner, Department of Finance and Management - March 1, 2017, to February 28, 2019.

Were collectively confirmed by the Senate.

The nomination of

Young, Susanne of Northfield - Secretary, Agency of Administration - January 5, 2017, to February 28, 2017.

Was confirmed by the Senate.

The nomination of

Young, Susanne of Northfield - Secretary, Agency of Administration - March 1, 2017, to February 28, 2019.

Was confirmed by the Senate on a roll call, Yeas 28, Nays 0.

Senator Sears having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ayer, Balint, Baruth, Benning, Branagan, Bray, Brooks, Campion, Clarkson, Collamore, Degree, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Those Senators absent or not voting were: Ashe (presiding), Cummings.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Reps. Devereux and others,

By Senators Clarkson, McCormack, Nitka, Collamore, and Flory,

H.C.R. 26. House concurrent resolution commemorating the 225th anniversary of the Town of Mount Holly.

By Reps. Stevens and others,

H.C.R. 27. House concurrent resolution congratulating the 2016 Harwood Union High School Highlanders Division II championship girls' crosscountry team.

By Representative Till,

H.C.R. 28. House concurrent resolution honoring Tufts University Medical Center neurosurgery chair Dr. Carl B. Heilman.

By Reps. Lucke and others,

By Senators Clarkson, McCormack, and Nitka,

H.C.R. 29. House concurrent resolution congratulating the 2016 Hartford High School Hurricanes Division I championship football team.

By Representative Turner,

H.C.R. 30. House concurrent resolution designating the month of February 2017 as SelfCare Month in Vermont.

Message from the House No. 14

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 58. An act relating to awarding hunting and fishing licenses at no cost to persons 65 years of age or older.

In the passage of which the concurrence of the Senate is requested.

The House has considered a bill originating in the Senate of the following title:

S. 1. An act relating to the determination of average daily membership for the 2016–2017 school year and equalized pupil count for fiscal year 2018.

And has passed the same in concurrence.

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 26. House concurrent resolution commemorating the 225th anniversary of the Town of Mount Holly.

H.C.R. 27. House concurrent resolution congratulating the 2016 Harwood Union High School Highlanders Division II championship girls' cross-country team.

H.C.R. 28. House concurrent resolution honoring Tufts University Medical Center neurosurgery chair Dr. Carl B. Heilman.

H.C.R. 29. House concurrent resolution congratulating the 2016 Hartford High School Hurricanes Division I championship football team.

H.C.R. 30. House concurrent resolution designating the month of February 2017 as Self-Care Month in Vermont.

In the adoption of which the concurrence of the Senate is requested.

Adjournment

On motion of Senator Mazza, the Senate adjourned, to reconvene on Tuesday, February 7, 2017, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 12.

TUESDAY, FEBRUARY 7, 2017

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Kim Kie of Barre.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Joint Senate Resolution Adopted on the Part of the Senate**J.R.S. 15.**

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senator Ashe,

J.R.S. 15. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 10, 2017, it be to meet again no later than Tuesday, February 14, 2017.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 70.

By Senators Mullin, Balint, Clarkson and Sirotkin,

An act relating to the nutritional requirements for children's meals.

To the Committee on Health and Welfare.

S. 71.

By Senator Mullin,

An act relating to the administration of immunizations by pharmacists.

To the Committee on Health and Welfare.

S. 72.

By Senator Champion,

An act relating to requiring telemarketers to provide accurate caller identification information.

To the Committee on Finance.

S. 73.

By Senators Sirotkin and Baruth,

An act relating to the Vermont Commission on Employee Misclassification.

To the Committee on Economic Development, Housing and General Affairs.

S. 74.

By Senators Rodgers and Degree,

An act relating to incentives for lower education spending.

To the Committee on Education.

S. 75.

By Senators Rodgers, Ayer, Balint, Branagan, Bray, Campion and Degree,

An act relating to aquatic nuisance species control.

To the Committee on Natural Resources and Energy.

S. 76.

By Senators Lyons, Ayer, Cummings and Ingram,

An act relating to property tax appeals.

To the Committee on Government Operations.

Bill Referred

House bill of the following title was read the first time and referred:

H. 58.

An act relating to awarding hunting and fishing licenses at no cost to persons 65 years of age or older.

To the Committee on Natural Resources and Energy.

Bill Amended; Third Reading Ordered

S. 8.

Senator White, for the Committee on Government Operations, to which was referred Senate bill entitled:

An act relating to establishing the State Ethics Commission and standards of governmental ethical conduct.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Former Legislators; Lobbying Restriction * * *

Sec. 1. 2 V.S.A. § 266 is amended to read:

§ 266. PROHIBITED CONDUCT

* * *

(b)(1) A legislator or an Executive officer, for one year after leaving office, shall not be a lobbyist in this State.

(2) The prohibition set forth in subdivision (1) of this subsection shall not apply to a lobbyist exempted under section 262 of this chapter.

(c) As used in this section, “candidate’s:

(1) “Candidate’s committee,” “contribution,” and “legislative leadership political committee” shall have the same meanings as in 17 V.S.A. § 2904 chapter 61 (campaign finance).

(2) “Executive officer” means:

(A) the Governor, Lieutenant Governor, Treasurer, Secretary of State, Auditor of Accounts, or Attorney General; or

(B) under the Office of the Governor, an agency secretary or deputy or a department commissioner or deputy.

* * * Former Executive Officers; Postemployment Restrictions * * *

Sec. 2. 3 V.S.A. § 267 is added to read:

§ 267. EXECUTIVE OFFICERS; POSTEMPLOYMENT RESTRICTIONS

(a) Prior participation while in State employ.

(1) An Executive officer, for one year after leaving office, shall not, for pecuniary gain, be an advocate for any private entity before any public body or the General Assembly or its committees regarding any particular matter in which:

(A) the State is a party or has a direct and substantial interest; and

(B) the Executive officer had participated personally and substantively while in State employ.

(2) The prohibition set forth in subdivision (1) of this subsection applies to any matter the Executive officer directly handled, supervised, or managed, or gave substantial input, advice, or comment, or benefited from, either through discussing, attending meetings on, or reviewing materials prepared regarding the matter.

(b) Prior official responsibility. An Executive officer, for one year after leaving office, shall not, for pecuniary gain, be an advocate for any private entity before any public body or the General Assembly or its committees regarding any particular matter in which the officer had exercised any official responsibility.

(c) Exemption. The prohibitions set forth in subsections (a) and (b) of this section shall not apply if the former Executive officer's only role as an advocate would exempt that former officer from registration and reporting under 2 V.S.A. § 262.

(d) Public body enforcement. A public body shall disqualify a former Executive officer from his or her appearance or participation in a particular matter if the officer's appearance or participation is prohibited under this section.

(e) Definitions. As used in this section:

(1) "Advocate" means a person who assists, defends, or pleads.

(2) "Executive officer" means:

(A) the Governor, Lieutenant Governor, Treasurer, Secretary of State, Auditor of Accounts, or Attorney General; or

(B) under the Office of the Governor, an agency secretary or deputy or a department commissioner or deputy.

(3) "Private entity" means any person, corporation, partnership, joint venture, or association, whether organized for profit or not for profit, except one specifically chartered by the State of Vermont or that relies upon taxes for at least 50 percent of its revenues.

(4) "Public body" means any agency, department, division, or office and any board or commission of any such entity, or any independent board or commission, in the Executive Branch of the State.

* * * State Office and Legislative Candidates; Disclosure Form * * *

Sec. 3. 17 V.S.A. § 2414 is added to read:

§ 2414. CANDIDATES FOR STATE AND LEGISLATIVE OFFICE;
DISCLOSURE FORM

(a) Each candidate for State office, State Senator, or State Representative shall file with the officer with whom consent of candidate forms are filed, along with his or her consent, a disclosure form prepared by the Secretary of State that contains the following information in regard to the previous calendar year:

(1) Each source, but not amount, of personal taxable income of the candidate or of his or her spouse that totals more than \$10,000.00, including any of the sources meeting that total described as follows:

(A) employment, including the employer or business name and address and, if self-employed, a description of the nature of the self-employment without needing to disclose any individual clients;

(B) investment income; and

(C) a lease or contract with the State held or entered into by:

(i) the candidate or his or her spouse; or

(ii) a company of which the candidate or his or her spouse, or the candidate together with his or her spouse, owned more than 10 percent.

(2) Any board, commission, association, or other entity on which the candidate served and a description of that position.

(3) Any company of which the candidate or his or her spouse, or the candidate together with his or her spouse, owned more than 10 percent.

(b) In addition, each candidate for State office shall attach to the disclosure form described in subsection (a) of this section a copy of his or her most recent U.S. Individual Income Tax Return Form 1040; provided, however, that the candidate may redact from that form the following information:

(1) the candidate's social security number and that of his or her spouse, if applicable;

(2) the names of any dependent and the dependent's social security number; and

(3) the signature of the candidate and that of his or her spouse, if applicable.

(c)(1) A senatorial district clerk or representative district clerk who receives a disclosure form under this section shall forward a copy of the disclosure to the Secretary of State within three business days of receiving it.

(2)(A) The Secretary of State shall post a copy of any disclosure forms and tax returns he or she receives under this section on his or her official State website.

(B) Prior to posting, the Secretary shall redact from a tax return the information permitted to be redacted under subsection (b) of this section, if the candidate fails to do so.

* * * Campaign Finance; Contractor Contribution Restrictions * * *

Sec. 4. 17 V.S.A. § 2950 is added to read:

§ 2950. STATE OFFICERS AND STATE OFFICE CANDIDATES;
CONTRACTOR CONTRIBUTION RESTRICTIONS

(a) Contributor restrictions on contracting.

(1) A person or his or her principal or spouse who makes a contribution to a State officer or a candidate for a State office shall not enter into a sole source contract valued at \$50,000.00 or more or multiple sole source contracts valued in the aggregate at \$100,000.00 or more with that State office or with the State on behalf of that office within one year following:

(A) that contribution, if the contribution was made to the incumbent State officer; or

(B) the beginning of the term of the office, if the contribution was made to a candidate for the State office who is not the incumbent.

(2) The prohibition set forth in subdivision (1) of this subsection shall only apply if the person to whom the contribution was made holds the office during the timeframe of the prohibition.

(b) Contractor restrictions on contributions.

(1)(A) A person who enters into a sole source contract valued at \$50,000.00 or more or multiple sole source contracts valued in the aggregate at \$100,000.00 or more with the office of a State officer or with the State on behalf of that office, or that person's principal or spouse, shall not make a contribution to a candidate for that State office or to that State officer.

(B) The candidate for State office or his or her candidate's committee or the State officer shall not solicit or accept a contribution from a person if that candidate, candidate's committee, or State officer knows the person is prohibited from making that contribution under this subdivision (1).

(2) The prohibitions set forth in subdivision (1) of this subsection shall be limited to a period beginning from the date of execution of the contract and ending with the completion of the contract.

(c) As used in this section:

(1) "Contract" means a "contract for services," as that term is defined in 3 V.S.A. § 341.

(2) "Person's principal" means an individual who:

(A) has a controlling interest in the person, if the person is a business entity;

(B) is vested with the authority to conduct, manage, or supervise the business affairs of the person, if the person is a for-profit business entity; or

(C) is an employee of the person and has direct, extensive, and substantive responsibilities with respect to the negotiation of the contract.

Sec. 4a. 3 V.S.A. § 347 is added to read:

§ 347. CONTRACTOR CONTRIBUTION RESTRICTIONS

The Secretary of Administration shall include in Administrative Bulletin 3.5 a notice regarding the contractor contribution restrictions set forth in 17 V.S.A. § 2950.

* * * Campaign Finance Investigations; Reports to Ethics Commission * * *

Sec. 5. 17 V.S.A. § 2904 is amended to read:

§ 2904. CIVIL INVESTIGATION

(a)(1) The Attorney General or a State's Attorney, whenever he or she has reason to believe any person to be or to have been in violation of this chapter or of any rule ~~or regulation~~ made pursuant to this chapter, may examine or cause to be examined by any agent or representative designated by him or her for that purpose any books, records, papers, memoranda, or physical objects of any nature bearing upon each alleged violation and may demand written responses under oath to questions bearing upon each alleged violation.

* * *

(5) Nothing in this subsection is intended to prevent the Attorney General or a State's Attorney from disclosing the results of an investigation conducted under this section, including the grounds for his or her decision as to whether to bring an enforcement action alleging a violation of this chapter or of any rule ~~or regulation~~ made pursuant to this chapter.

* * *

Sec. 6. 17 V.S.A. § 2904a is added to read:

§ 2904a. REPORTS TO STATE ETHICS COMMISSION

Upon receipt of a complaint made in regard to a violation of this chapter or of any rule made pursuant to this chapter, the Attorney General or a State's Attorney shall:

(1) Forward a copy of the complaint to the State Ethics Commission established in 3 V.S.A. chapter 31. The Attorney General or State's Attorney shall provide this information to the Commission within 10 days of his or her receipt of the complaint.

(2) File a report with the Commission regarding his or her decision as to whether to bring an enforcement action as a result of that complaint. The Attorney General or State's Attorney shall make this report within 10 days of that decision.

Sec. 7. 3 V.S.A. Part 1, chapter 31 is added to read:

CHAPTER 31. GOVERNMENTAL ETHICS

Subchapter 1. General Provisions

§ 1201. DEFINITIONS

As used in this chapter:

(1) "Candidate" and "candidate's committee" shall have the same meanings as in 17 V.S.A. § 2901.

(2) "Commission" means the State Ethics Commission established under subchapter 3 of this chapter.

(3) "Executive officer" means:

(A) a State officer; or

(B) under the Office of the Governor, an agency secretary or deputy or a department commissioner or deputy.

(4) "Governmental conduct regulated by law" includes:

(A) bribery pursuant to 13 V.S.A. § 1102;

(B) neglect of duty by public officers pursuant to 13 V.S.A. § 3006 and by members of boards and commissions pursuant to 13 V.S.A. § 3007;

(C) taking illegal fees pursuant to 13 V.S.A. § 3010;

(D) false claims against government pursuant to 13 V.S.A. § 3016;

(E) owning or being financially interested in an entity subject to a department's supervision pursuant to 3 V.S.A. § 204;

(F) failing to devote time to duties of office pursuant to section 205 of this title;

(G) a former legislator or former Executive officer serving as a lobbyist pursuant to 2 V.S.A. § 266(b); and

(H) a former Executive officer serving as an advocate pursuant to section 267 of this title.

(5) "Lobbyist" shall have the same meaning as in 2 V.S.A. § 261.

(6) "Political committee" and "political party" shall have the same meanings as in 17 V.S.A. § 2901.

(7) "State officer" means the Governor, Lieutenant Governor, Treasurer, Secretary of State, Auditor of Accounts, or Attorney General.

§ 1202. STATE CODE OF ETHICS

The Ethics Commission, in consultation with the Department of Human Resources, shall create and maintain a State Code of Ethics that sets forth principles of governmental ethical conduct.

Subchapter 2. Disclosures

§ 1211. EXECUTIVE OFFICERS; BIENNIAL DISCLOSURE

(a) Biennially, each Executive officer shall file with the State Ethics Commission a disclosure form that contains the following information in regard to the previous calendar year:

(1) Each source, but not amount, of personal taxable income of the officer or of his or her spouse that totals more than \$10,000.00, including any of the sources meeting that total described as follows:

(A) employment, including the employer or business name and address and, if self-employed, a description of the nature of the selfemployment without needing to disclose any individual clients;

(B) investment income; and

(C) a lease or contract with the State held or entered into by:

(i) the officer or his or her spouse; or

(ii) a company of which the officer or his or her spouse, or the officer together with his or her spouse, owned more than 10 percent.

(2) Any board, commission, association, or other entity on which the officer served and a description of that position.

(3) Any company of which the officer or his or her spouse, or the officer together with his or her spouse, owned more than 10 percent.

(b) An officer shall file his or her disclosure on or before January 15 of the odd-numbered year or, if he or she is appointed after January 15, within 10 days after that appointment.

§ 1212. COMMISSION MEMBERS; BIENNIAL DISCLOSURE

(a) Biennially, each member of the State Ethics Commission shall file with the Executive Director of the Commission a disclosure form that contains the

information that Executive officers are required to disclose under section 1211 of this subchapter.

(b) A member shall file his or her disclosure on or before January 15 of the first year of his or her appointment or, if the member is appointed after January 15, within 10 days after that appointment, and shall file subsequent disclosures biennially thereafter.

§ 1213. DISCLOSURES; GENERALLY

(a) The Executive Director of the Commission shall prepare on behalf of the Commission any disclosure form required to be filed with it, and shall make those forms available on the Commission's website.

(b) The Executive Director shall post a copy of any disclosure form the Commission receives on the Commission's website.

Subchapter 3. State Ethics Commission

§ 1221. STATE ETHICS COMMISSION

(a) Creation. There is created within the Executive Branch an independent commission named the State Ethics Commission to accept, review, make referrals regarding, and track complaints of alleged violations of governmental conduct regulated by law, of the Department of Human Resources Code of Ethics, and of the State's campaign finance law set forth in 17 V.S.A. chapter 61; to provide ethics training; and to issue advisory opinions regarding ethical conduct.

(b) Membership.

(1) The Commission shall be composed of the following five members:

(A) a chair of the Commission, who shall be appointed by the Chief Justice of the Supreme Court;

(B) one member appointed by the Vermont affiliate of the American Civil Liberties Union;

(C) one member appointed by the Board of Directors of the Vermont Society of Certified Public Accountants;

(D) one member appointed by the Vermont Bar Association; and

(E) one member appointed by the Board of Directors of the Vermont Human Resource Association.

(2) A member shall not:

(A) hold any office in the Legislative, Executive, or Judicial Branch of State government or otherwise be employed by the State;

(B) hold or enter into any lease or contract with the State, or have a controlling interest in a company that holds or enters into a lease or contract with the State;

(C) be a lobbyist;

(D) be a candidate for State or legislative office; or

(E) hold any office in a State or legislative office candidate's committee, a political committee, or a political party.

(3) A member may be removed for cause by the remaining members of the Commission in accordance with the Vermont Administrative Procedure Act.

(4)(A) A member shall serve a term of three years and until a successor is appointed. A term shall begin on January 1 of the year of appointment and run through December 31 of the last year of the term. Terms of members shall be staggered so that not all terms expire at the same time.

(B) A vacancy created before the expiration of a term shall be filled in the same manner as the original appointment for the unexpired portion of the term.

(C) A member shall not serve more than two consecutive terms. A member appointed to fill a vacancy created before the expiration of a term shall not be deemed to have served a term for the purpose of this subdivision (C).

(c) Executive Director.

(1) The Commission shall be staffed by an Executive Director who shall be appointed by and serve at the pleasure of the Commission and who shall be a part-time exempt State employee.

(2) The Executive Director shall maintain the records of the Commission and shall provide administrative support as requested by the Commission, in addition to any other duties required by this chapter.

(d) Confidentiality. The Commission and the Executive Director shall maintain the confidentiality required by this chapter.

(e) Meetings. Meetings of the Commission may be called by the Chair and shall be called upon the request of any other two Commission members.

(f) Reimbursement. Each member of the Commission shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010.

§ 1222. COMMISSION MEMBER DUTIES AND PROHIBITED CONDUCT

(a) Conflicts of interest.

(1) Prohibition; recusal.

(A) A Commission member shall not participate in any Commission matter in which he or she has a conflict of interest and shall recuse himself or herself from participation in that matter.

(B) The failure of a Commission member to recuse himself or herself as described in subdivision (A) of this subdivision (1) may be grounds for the Commission to discipline or remove that member.

(2) Disclosure of conflict of interest.

(A) A Commission member who has reason to believe he or she has a conflict of interest in a Commission matter shall disclose that he or she has that belief and disclose the nature of the conflict of interest. Alternatively, a Commission member may request that another Commission member recuse himself or herself from a Commission matter due to a conflict of interest.

(B) Once there has been a disclosure of a member's conflict of interest, members of the Commission shall be afforded the opportunity to ask questions or make comments about the situation to address the conflict.

(3) Postrecusal procedure. A Commission member who has recused himself or herself from participating on a Commission matter shall not sit or deliberate with the Commission on that matter or otherwise act as a Commission member on that matter, but may participate in that matter as a member of the public.

(4) Definition. As used in this subsection, "conflict of interest" means an interest of a member that is in conflict with the proper discharge of his or her official duties due to a significant personal or financial interest of the member, of a person within the member's immediate family, or of the member's business associate. "Conflict of interest" does not include any interest that is not greater than that of any other persons generally affected by the outcome of a matter.

(b) Gifts. A Commission member shall not accept a gift given by virtue of his or her membership on the Commission.

§ 1223. PROCEDURE FOR HANDLING COMPLAINTS

(a) Accepting complaints. On behalf of the Commission, the Executive Director shall accept complaints from any source regarding governmental

ethics in any of the three branches of State government or of the State's campaign finance law set forth in 17 V.S.A. chapter 61.

(b) Preliminary review by Executive Director. The Executive Director shall conduct a preliminary review of complaints made to the Commission in order to take action as set forth in this subsection.

(1) Governmental conduct regulated by law. If the Executive Director finds that a State officer or employee may have committed a violation of governmental conduct regulated by law, the Executive Director shall submit the complaint to the Commission for its review as set forth in subsection (c) of this section.

(2) Department of Human Resources Code of Ethics.

(A) If the complaint alleges a violation of the Department of Human Resources Code of Ethics, the Executive Director shall refer the complaint to the Commissioner of Human Resources.

(B) The Commissioner shall report back to the Executive Director regarding the final disposition of a complaint referred under subdivision (A) of this subdivision (2) within 10 days of that final disposition.

(3) Campaign finance.

(A) If the complaint alleges a violation of campaign finance law, the Executive Director shall refer the complaint to the Attorney General or to the State's Attorney of jurisdiction, as appropriate.

(B) The Attorney General or State's Attorney shall file a report with the Executive Director regarding his or her decision as to whether to bring an enforcement action as a result of a complaint referred under subdivision (A) of this subdivision (3) as set forth in 17 V.S.A. § 2904a.

(4) Legislative and Judicial Branches; attorneys.

(A) If the complaint is in regard to conduct committed by a State Senator, the Executive Director shall refer the complaint to the Senate Ethics Panel and shall request a report back from the Panel regarding the final disposition of the complaint.

(B) If the complaint is in regard to conduct committed by a State Representative, the Executive Director shall refer the complaint to the House Ethics Panel and shall request a report back from the Panel regarding the final disposition of the complaint.

(C) If the complaint is in regard to conduct committed by a judicial officer, the Executive Director shall refer the complaint to the Judicial Conduct

Board and shall request a report back from the Board regarding the final disposition of the complaint.

(D) If the complaint is in regard to an attorney employed by the State, the Executive Director shall refer the complaint to the Professional Responsibility Board and shall request a report back from the Board regarding the final disposition of the complaint.

(E) If any of the complaints described in subdivisions (A)–(D) of this subdivision (4) also allege that a crime has been committed, the Executive Director shall also refer the complaint to the Attorney General and the State’s Attorney of jurisdiction.

(5) Closures. The Executive Director shall close any complaint that he or she does not submit or refer as set forth in subdivisions (1)–(4) of this subsection.

(c) Commission reviews and referrals.

(1) For any complaint regarding an alleged violation of governmental conduct regulated by law that the Executive Director submits to it under subdivision (b)(1) of this section, the Commission shall meet to review the complaint. This meeting shall not be open to the public and is exempt from the requirements of the Open Meeting Law.

(2)(A) If, after its review, the Commission finds that there may have been a violation of governmental conduct regulated by law, it shall refer the complaint to the Attorney General and the State’s Attorney of jurisdiction.

(B) If, after its review, the Commission finds that there has not been a violation of governmental conduct regulated by law, it shall close the complaint.

(d) Confidentiality. Complaints and related documents in the custody of the Commission shall be exempt from public inspection and copying under the Public Records Act and kept confidential.

§ 1224. COMMISSION ETHICS TRAINING

At least annually, in collaboration with the Department of Human Resources, the Commission shall make available to legislators, State officers, and State employees training on issues related to governmental ethics.

§ 1225. EXECUTIVE DIRECTOR ADVISORY OPINIONS

(a)(1) The Executive Director may issue to an Executive officer or other State employee, upon his or her request, an advisory opinion regarding any provision of this chapter or any issue related to governmental ethics.

(2) The Executive Director may consult with members of the Commission in preparing an advisory opinion.

(b) An advisory opinion issued under this section shall be exempt from public inspection and copying under the Public Records Act. The Commission shall keep an advisory opinion confidential unless the receiving entity has publicly disclosed it.

§ 1226. COMMISSION REPORTS

Annually, on or before January 15, the Commission shall report to the General Assembly regarding the following issues:

(1) Complaints. The number and a summary of the complaints made to it, separating the complaints by topic, and the disposition of those complaints, including any prosecution, enforcement action, or dismissal. This summary of complaints shall not include any personal identifying information.

(2) Advisory opinions. The number and a summary of the advisory opinions the Executive Director issued, separating the opinions by topic. This summary of advisory opinions shall not include any personal identifying information.

(3) Recommendations. Any recommendations for legislative action to address State governmental ethics or provisions of campaign finance law.

* * * Implementation * * *

Sec. 8. APPLICABILITY OF EMPLOYMENT RESTRICTIONS

The provisions of Secs. 1 and 2 of this act that restrict employment shall not apply to any such employment in effect on the effective date of those sections.

Sec. 9. STATE ETHICS COMMISSION; STATE CODE OF ETHICS CREATION

The State Ethics Commission shall create the State Code of Ethics in consultation with the Department of Human Resources as described in 3 V.S.A. § 1202 in Sec. 7 of this act on or before July 1, 2018.

Sec. 10. IMPLEMENTATION OF THE STATE ETHICS COMMISSION

(a) The State Ethics Commission, created in Sec. 7 of this act, is established on January 1, 2018.

(b) Members of the Commission shall be appointed on or before October 15, 2017 in order to prepare as they deem necessary for the establishment of the Commission, including the hiring of the Commission's Executive Director. Terms of members shall officially begin on January 1, 2018.

(c)(1) In order to stagger the terms of the members of the State Ethics Commission as described in 3 V.S.A. § 1221(b)(4)(A), in Sec. 7 of this act, the initial terms of those members shall be as follows:

(A) the Chief Justice of the Supreme Court shall appoint the Chair for a three-year term;

(B) the Vermont affiliate of the American Civil Liberties Union shall appoint a member for a two-year term;

(C) the Board of Directors of the Vermont Society of Certified Public Accountants shall appoint a member for a one-year term;

(D) the Vermont Bar Association shall appoint a member for a three-year term; and

(E) the Board of Directors of the Vermont Human Resource Association shall appoint a member for a two-year term.

(2) After the expiration of the initial terms set forth in subdivision (1) of this subsection, Commission member terms shall be as set forth in 3 V.S.A. § 1221(b)(4)(A) in Sec. 7 of this act.

Sec. 11. CREATION OF STAFF POSITION FOR STATE ETHICS COMMISSION

One part-time exempt Executive Director position is created in the State Ethics Commission set forth in Sec. 7 of this act by using an existing position in the position pool.

Sec. 12. 3 V.S.A. § 260 is amended to read:

§ 260. LOCATION OF OFFICES

* * *

(c) The principal office of each of the following boards and divisions shall be located in Montpelier: Division for Historic Preservation and, Board of Libraries, and State Ethics Commission.

* * *

Sec. 13. BUILDINGS AND GENERAL SERVICES; SPACE ALLOCATION

The Commissioner of Buildings and General Services, in accordance with 3 V.S.A. § 260 set forth in Sec. 12 of this act, shall allocate space for the State Ethics Commission established in Sec. 7 of this act. This space shall be allocated on or before October 15, 2017.

Sec. 14. STATE ETHICS COMMISSION FUNDING SOURCE
SURCHARGE; REPEAL

(a) Surcharge.

(1) In fiscal year 2018 and thereafter, a surcharge of up to 2.3 percent, but no greater than the cost of the activities of the State Ethics Commission set forth in Sec. 7 of this act, on the per-position portion of the charges authorized in 3 V.S.A. § 2283(c)(2) shall be assessed to all Executive Branch agencies, departments, and offices and shall be paid by all assessed entities solely with State funds.

(2) The amount collected shall be accounted for within the Human Resource Services Internal Service Fund and used solely for the purposes of funding the activities of the State Ethics Commission set forth in Sec. 7 of this act.

(b) Repeal. This section shall be repealed on June 30, 2019.

* * * Municipal Conflicts of Interest * * *

Sec. 15. 24 V.S.A. § 1984 is amended to read:

§ 1984. CONFLICT OF INTEREST PROHIBITION

(a)(1) ~~A~~ Each town, city, ~~or~~ and incorporated village, by majority vote of those present and voting at an annual or special meeting warned for that purpose, ~~may~~ shall adopt a conflict of interest prohibition for its elected and appointed officials, which shall contain:

~~(1)(A)~~ (A) A definition of “conflict of interest.”

~~(2)(B)~~ (B) A list of the elected and appointed officials covered by such prohibition.

~~(3)(C)~~ (C) A method to determine whether a conflict of interest exists.

~~(4)(D)~~ (D) Actions that must be taken if a conflict of interest is determined to exist.

~~(5)(E)~~ (E) A method of enforcement against individuals violating such prohibition.

(2) The requirement set forth in subdivision (1) of this subsection shall not apply if, pursuant to the provisions of subdivision 2291(20) of this title, the municipality has established a conflict of interest policy that is in substantial compliance with subdivision (1).

(b)(1) Unless the prohibition adopted pursuant to subsection (a) of this section contains a different definition of “conflict of interest,” for the purposes of a prohibition adopted under this section, “conflict of interest” means a direct

personal or pecuniary interest of a public official, or the official's spouse, household member, business associate, employer, or employee, in the outcome of a cause, proceeding, application, or any other matter pending before the official or before the agency or public body in which the official holds office or is employed.

(2) "Conflict of interest" does not arise in the case of votes or decisions on matters in which the public official has a personal or pecuniary interest in the outcome, such as in the establishment of a tax rate, that is no greater than that of other persons generally affected by the decision.

* * * Effective Dates * * *

Sec. 16. EFFECTIVE DATES

This act shall take effect as follows:

(1) The following sections shall take effect on July 1, 2017:

(A) Sec. 1, 2 V.S.A. § 266 (former legislators and Executive officers; lobbying; prohibited employment); and

(B) Sec. 2, 3 V.S.A. § 267 (former Executive officers; prohibited employment).

(2) The following sections shall take effect on January 1, 2018:

(A) Sec. 3, 17 V.S.A. § 2414 (candidates for State and legislative office; disclosure form);

(B) Sec. 6, 17 V.S.A. § 2904a (Attorney General or State's Attorney; campaign finance; reports to State Ethics Commission); and

(C) Sec. 7, 3 V.S.A. Part 1, chapter 31 (governmental ethics).

(3) Secs. 4, 17 V.S.A. § 2950 (State officers and State office candidates; contractor contribution restrictions) and 4a, 3 V.S.A. § 347 (contractor contribution restrictions) shall take effect on December 16, 2018.

(4) Sec. 15, 24 V.S.A. § 1984 (municipalities; conflict of interest prohibition) shall take effect on July 1, 2020.

(5) This section and all other sections shall take effect on passage.

And that when so amended the bill ought to pass.

Senator Sears, for the Committee on Appropriations, to which the bill was referred, report that they have considered the same and recommend that the bill be amended as recommended by the Committee on Government Operations with the following amendments thereto:

First: In Sec. 7, in 3 V.S.A. § 1221 (State Ethics Commission), in subsection (b) (membership), by striking out subdivision (1) and inserting in lieu thereof the following:

(1) The Commission shall be composed of the following five members:

(A) a chair of the Commission, who shall be appointed by the Chief Justice of the Supreme Court and who shall be a retired Justice or judge; and

(B) the following remaining four members, who shall be members or employees of the appointing organization:

(i) one member appointed by the Vermont affiliate of the American Civil Liberties Union;

(ii) one member appointed by the Board of Directors of the Vermont Society of Certified Public Accountants;

(iii) one member appointed by the Vermont Bar Association; and

(iv) one member appointed by the Board of Directors of the Vermont Human Resource Association.

Second: By striking out in its entirety Sec. 12, 3 V.S.A. § 260 (location of offices) and inserting in lieu thereof the following:

Sec. 12. [Deleted.]

Third: In Sec. 13 (Buildings and General Services; space allocation), in the first sentence, following “The Commissioner of Buildings and General Services” by striking out “, in accordance with 3 V.S.A. § 260 set forth in Sec. 12 of this act.”

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the Committee on Government of Operations report be amended as recommended by the Committee of Appropriations?, Senator Sears moved to amend the recommendation of amendment of the Committee on Appropriations as follows:

By striking out the *first* instance of amendment in its entirety and inserting in lieu thereof a new *first* to read as follows:

First: In Sec. 7, in 3 V.S.A. § 1221 (State Ethics Commission), in subsection (b) (membership), by striking out subdivision (1) and inserting in lieu thereof the following:

(1) The Commission shall be composed of the following five members:

(A) a chair of the Commission, who shall be appointed by the Chief Justice of the Supreme Court;

(B) one member appointed by the Board of Directors of the Vermont affiliate of the American Civil Liberties Union, who shall be a member of the Board or an employee of that Vermont affiliate;

(C) one member appointed by the Board of Directors of the Vermont Society of Certified Public Accountants, who shall be a member of the Society;

(D) one member appointed by the Board of Managers of the Vermont Bar Association, who shall be a member of the Association; and

(E) one member appointed by the Board of Directors of the Vermont Human Resource Association, who shall be a member of the Association.

Which was agreed to.

Thereupon, the recommendation of amendment of the Committee on Government Operations was amended as recommended by the Committee on Appropriations, as amended.

Thereupon, the question, Shall the bill be amended as recommended by the Committee on Government Operations, as amended?, was agreed to and third reading of the bill was ordered.

Joint Resolutions Adopted on the Part of the Senate

Joint Senate resolutions entitled:

J.R.S. 13. Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

J.R.S. 14. Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2017.

Having been placed on the Calendar for action, were taken up and adopted severally on the part of the Senate.

Senate Resolution Adopted

S.R. 5.

Senate resolution entitled:

Senate resolution declaring the Vermont Senate's continuing dedication to its historic and fundamental values of democracy, diversity, and pluralism.

Having been placed on the Calendar for action, was taken up and adopted.

Adjournment

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Wednesday, February 8, 2017.

WEDNESDAY, FEBRUARY 8, 2017

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 15

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 38. An act relating to the membership of the Clean Water Fund Board.

In the passage of which the concurrence of the Senate is requested.

Senate Resolution Placed on Calendar**S.R. 6.**

Senate resolution of the following title was offered, read the first time and is as follows:

By Committee on Economic Development, Housing and General Affairs,

S.R. 6. Senate resolution relating to disapproving of Executive Order 05-17.

Whereas, on January 15, 2017, the Governor signed Executive Order 05-17 providing for the creation of an "Agency of Economic Opportunity by reorganizing the Agency of Commerce and Community Development and the Department of Labor," and

Whereas, according to the Executive Order, effective April 17, 2017, "the Agency of Economic Opportunity shall administer" many of the "programs formerly administered by the Department of Labor," including training and inspection, and oversight over enforcement of wage and hour laws, employment practices, the workers' compensation program, and the unemployment compensation law, and

Whereas, the Senate Committee on Economic Development, Housing and General Affairs has taken testimony and public comment concerning this Executive Order, and

Whereas, the Senate agrees with the Governor that “the goals of greater affordability, economic growth and optimal government efficacy require a stronger and more direct alignment of State government workforce training, recruitment and service programs with economic and community development activities,” and

Whereas, the Senate supports reorganizing State government to improve efficiency, to create a coherent and complete system of workforce training and development, to meet employer demands better where there are workforce shortages, to promote employment opportunities for Vermonters at all skill and education levels, and to increase economic opportunity, and

Whereas, the Senate also wishes to ensure that the Governor’s reorganization achieves these goals without leading to unintended consequences, and

Whereas, the Senate is concerned that having one agency fulfill the dual roles of both promoting and regulating business will introduce a conflict between these two missions, and

Whereas, the fair adjudication and oversight of employees’ rights and protections must be safeguarded such that any reorganization does not weaken the Department of Labor’s regulatory and adjudicatory functions, and

Whereas, the best mechanism to explore a merger of the appropriate functions and responsibilities of the Agency of Commerce and Community Development and of the Department of Labor is to use the standing committee process, with the resulting opportunity for enhanced research, analysis, and public participation, and

Whereas, the General Assembly wishes to continue the work it began when it passed 2013 Acts and Resolves No. 81 and 2016 Acts and Resolves No. 172 to begin to bring greater efficiency to the State’s workforce development programs, and

Whereas, as part of this process, the Senate Committee on Economic Development, Housing and General Affairs looks forward to reviewing, and taking testimony on, the Administration’s complete compilation of all job training and workforce education programs, and

Whereas, the Senate is fully committed to working cooperatively and promptly with the Administration to produce legislation that will achieve our shared goals and that will increase economic opportunities for all Vermonters while also safeguarding employees’ rights, *now therefore be it*

Resolved by the Senate:

That the Senate, pursuant to 3 V.S.A. § 2002, disapproves of Executive Order 05-17, *and be it further*

Resolved: That the Senate invites the Administration to bring forward draft legislation to foster a more coherent workforce development “system” in Vermont, *and be it further*

Resolved: That the Secretary of the Senate be directed to send a copy of this resolution to Governor Philip B. Scott.

Thereupon, in the discretion of the President, under Rule 51, the resolution was placed on the Calendar for action the next legislative day.

Bill Referred

House bill of the following title was read the first time and referred:

H. 38.

An act relating to the membership of the Clean Water Fund Board.

To the Committee on Natural Resources and Energy.

Message from the House No. 16

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered a bill originating in the Senate of the following title:

S. 2. An act relating to information sharing by the Commissioner of Financial Regulation.

And has passed the same in concurrence.

The House has adopted joint resolution of the following title:

J.R.H. 4. Joint resolution reaffirming the General Assembly’s commitment to equal educational opportunity on the 20th anniversary of the Vermont Supreme Court’s decision in Brigham v. State.

In the adoption of which the concurrence of the Senate is requested.

The House has considered joint resolutions originating in the Senate of the following titles:

J.R.S. 13. Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

J.R.S. 14. Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2017.

J.R.S. 15. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Thursday, February 9, 2017.

THURSDAY, FEBRUARY 9, 2017

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Cordelia Burpee of South Hero.

Joint Resolution Referred

J.R.H. 4.

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution reaffirming the General Assembly's commitment to equal educational opportunity on the 20th anniversary of the Vermont Supreme Court's decision in *Brigham v. State*.

Whereas, the Common Benefits Clause of the Vermont Constitution, Chapter I, Article 7, provides "that government is, or ought to be, instituted for the common benefit, protection, and security of the people," and

Whereas, the Education Clause of the Vermont Constitution, Chapter II, § 68, states that a "competent number of schools ought to be maintained in each town," and

Whereas, in the mid-1990s, three sets of plaintiffs filed suit in Lamoille Superior Court alleging that the State's existing Foundation public school funding formula denied students in the towns of Hardwick and Whiting an equal educational opportunity, and

Whereas, the trial court granted summary judgment to the State, holding in part that Section 68 does not provide "any rights...to Vermont citizens," and

Whereas, undaunted, the plaintiffs appealed to the Vermont Supreme Court, and

Whereas, in the Vermont Supreme Court's historic decision, *Brigham v. State*, 166 Vt. 246, on February 5, 1997, the Court explained that "from its earliest days, Vermont has recognized the obligation to provide for the education of its youth," and

Whereas, the Court analyzed the Education Clause's historic development, prior pertinent judicial opinions, and the 1828 inaugural address of Governor Samuel Crafts, who, in speaking before the General Assembly, stated, it is "our paramount duty to place the means for obtaining instruction and information, equally within the reach of all," and

Whereas, the Court concluded that "the current [Foundation] educational financing system in Vermont violates the right to equal educational opportunities under Chapter II, § 68 and Chapter I, Article 7 of the Vermont Constitution," and directed the General Assembly to devise a new education funding formula implementing the principle of equal educational opportunity for all of Vermont's children, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly reaffirms its commitment to equal educational opportunity on the 20th anniversary of the Vermont Supreme Court's decision in *Brigham v. State*, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Governor Philip B. Scott.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was treated as a bill and referred to the Committee on Education.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 77.

By Senators Balint, Clarkson, White, Ayer, Bray and Ingram,

An act relating to requiring a presidential candidate to disclose federal tax returns in order to be placed on the presidential primary and general election ballots.

To the Committee on Government Operations.

S. 78.

By Senator White,

An act relating to the fees constables collect for the service of civil process.

To the Committee on Government Operations.

S. 79.

By Senators Sears, Ashe, Balint and Degree,

An act relating to freedom from compulsory collection of personal information.

To the Committee on Judiciary.

S. 80.

By Senator Mullin,

An act relating to the authority of correctional officers to carry firearms.

To the Committee on Institutions.

Bill Amended; Bill Passed**S. 8.**

Senate bill entitled:

An act relating to establishing the State Ethics Commission and standards of governmental ethical conduct.

Was taken up.

Thereupon, pending third reading of the bill, Senators Benning, Ayer, Clarkson, Collamore, Pearson and White moved to amend the bill as follows:

First: In Sec. 3, 17 V.S.A. § 2414 (candidates for State and legislative office; disclosure form), in subdivision (a)(1), preceding “of his or her spouse” by striking out the word “or” and inserting in lieu thereof the word and

Second: In Sec. 7, in 3 V.S.A. § 1211 (Executive officers; biennial disclosure), in subdivision (a)(1), preceding “of his or her spouse” by striking out the word “or” and inserting in lieu thereof the word and

Which was agreed to.

Thereupon, the bill was read the third time and passed.

Proposal of Amendment; Third Reading Ordered**H. 125.**

Senator Kitchel, for the Committee on Appropriations, to which was referred House bill entitled:

An act relating to fiscal year 2017 budget adjustments.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2016 Acts and Resolves No. 172, Sec. B.100 is amended to read:

Sec. B.100 Secretary of administration - secretary's office

Personal services	3,022,679	2,969,540
Operating expenses	<u>131,182</u>	<u>131,182</u>
Total	3,153,861	3,100,722
Source of funds		
General fund	1,290,708	1,237,569
Interdepartmental transfers	<u>1,863,153</u>	<u>1,863,153</u>
Total	3,153,861	3,100,722

Sec. 2. 2016 Acts and Resolves No. 172, Sec. B.108 is amended to read:

Sec. B.108 Human resources - operations

Personal services	7,186,765	6,973,135
Operating expenses	<u>937,445</u>	<u>937,445</u>
Total	8,124,210	7,910,580
Source of funds		
General fund	1,823,395	1,772,307
Special funds	244,912	244,912
Internal service funds	5,518,595	5,440,511
Interdepartmental transfers	<u>537,308</u>	<u>452,850</u>
Total	8,124,210	7,910,580

Sec. 3. 2016 Acts and Resolves No. 172, Sec. B.124 is amended to read:

Sec. B.124 Executive office - governor's office

Personal services	1,444,960	1,627,847
Operating expenses	<u>436,716</u>	<u>253,829</u>
Total	1,881,676	1,881,676
Source of funds		
General fund	1,695,176	1,695,176
Interdepartmental transfers	<u>186,500</u>	<u>186,500</u>
Total	1,881,676	1,881,676

Sec. 4. 2016 Acts and Resolves No. 172, Sec. B.136 is amended to read:

Sec. B.136 VOSHA review board

Personal services	<u>54,576</u>	77,995
Operating expenses	<u>18,646</u>	<u>15,811</u>
Total	<u>73,222</u>	93,806
Source of funds		
General fund	<u>36,611</u>	46,903
Interdepartmental transfers	<u>36,611</u>	<u>46,903</u>
Total	<u>73,222</u>	93,806

Sec. 5. 2016 Acts and Resolves No. 172, Sec. B.137 is amended to read:

Sec. B.137 Homeowner rebate

Grants	<u>16,200,000</u>	<u>15,560,000</u>
Total	<u>16,200,000</u>	15,560,000
Source of funds		
General fund	<u>16,200,000</u>	<u>15,560,000</u>
Total	<u>16,200,000</u>	15,560,000

Sec. 6. 2016 Acts and Resolves No. 172, Sec. B.138 is amended to read:

Sec. B.138 Renter rebate

Grants	<u>10,400,000</u>	<u>11,390,500</u>
Total	<u>10,400,000</u>	11,390,500
Source of funds		
General fund	<u>3,120,000</u>	3,417,150
Education fund	<u>7,280,000</u>	<u>7,973,350</u>
Total	<u>10,400,000</u>	11,390,500

Sec. 7. 2016 Acts and Resolves No. 172, Sec. B.140 is amended to read:

Sec. B.140 Municipal current use

Grants	<u>15,321,776</u>	<u>15,023,110</u>
Total	<u>15,321,776</u>	15,023,110
Source of funds		
General fund	<u>15,321,776</u>	<u>15,023,110</u>
Total	<u>15,321,776</u>	15,023,110

Sec. 8. 2016 Acts and Resolves No. 172, Sec. B.145 is amended to read:

Sec. B.145 Total general government

Source of funds		
General fund	<u>76,841,737</u>	76,106,286
Transportation fund	4,014,502	4,014,502

Special funds	11,749,144	11,749,144
Education fund	10,705,000	11,398,350
Federal funds	861,098	861,098
Internal service funds	90,972,965	90,894,881
Interdepartmental transfers	8,958,648	8,884,482
Enterprise funds	3,423,486	3,423,486
Pension trust funds	12,536,707	12,536,707
Private purpose trust funds	<u>1,125,701</u>	<u>1,125,701</u>
Total	221,188,988	220,994,637

Sec. 9. 2016 Acts and Resolves No. 172, Sec. B.200 is amended to read:

Sec. B.200 Attorney general

Personal services	8,900,530	9,160,530
Operating expenses	1,386,540	1,386,540
Grants	<u>26,894</u>	<u>26,894</u>
Total	10,313,964	10,573,964
Source of funds		
General fund	4,338,420	4,598,420
Special funds	1,967,408	2,150,198
Tobacco fund	530,790	348,000
Federal funds	1,067,909	1,067,909
Interdepartmental transfers	<u>2,409,437</u>	<u>2,409,437</u>
Total	10,313,964	10,573,964

Sec. 10. 2016 Acts and Resolves No. 172, Sec. B.201 is amended to read:

Sec. B.201 Vermont court diversion

Personal services	63,550	722,397
Operating expenses	500	500
Grants	<u>1,996,483</u>	<u>1,996,483</u>
Total	2,060,533	2,719,380
Source of funds		
General fund	1,396,486	2,055,333
Special funds	<u>664,047</u>	<u>664,047</u>
Total	2,060,533	2,719,380

Sec. 11. 2016 Acts and Resolves No. 172, Sec. B.205 is amended to read:

Sec. B.205 State's attorneys

Personal services	11,690,469	11,760,139
Operating expenses	<u>1,945,843</u>	<u>1,945,843</u>
Total	13,636,312	13,705,982
Source of funds		
General fund	10,990,771	11,060,441

Special funds	105,855	105,855
Federal funds	31,000	31,000
Interdepartmental transfers	<u>2,508,686</u>	<u>2,508,686</u>
Total	<u>13,636,312</u>	13,705,982

Sec. 12. 2016 Acts and Resolves No. 172, Sec. B.235 is amended to read:

Sec. B.235 Enhanced 9-1-1 Board

Personal services	<u>3,289,987</u>	3,685,241
Operating expenses	<u>294,843</u>	356,367
Grants	<u>720,000</u>	<u>720,000</u>
Total	<u>4,304,830</u>	4,761,608
Source of funds		
Special funds	<u>4,304,830</u>	<u>4,761,608</u>
Total	<u>4,304,830</u>	4,761,608

Sec. 13. 2016 Acts and Resolves No. 172, Sec. B.237 is amended to read:

Sec. B.237 Liquor control - administration

Personal services	<u>3,732,527</u>	3,752,342
Operating expenses	<u>478,007</u>	<u>478,007</u>
Total	<u>4,210,534</u>	4,230,349
Source of funds		
Enterprise funds	<u>4,210,534</u>	<u>4,230,349</u>
Total	<u>4,210,534</u>	4,230,349

Sec. 14. 2016 Acts and Resolves No. 172, Sec. B.238 is amended to read:

Sec. B.238 Liquor control - enforcement and licensing

Personal services	<u>2,519,794</u>	2,588,597
Operating expenses	<u>491,938</u>	<u>495,225</u>
Total	<u>3,011,732</u>	3,083,822
Source of funds		
Special funds	<u>151,119</u>	223,209
Tobacco fund	213,843	213,843
Federal funds	312,503	312,503
Enterprise funds	<u>2,334,267</u>	<u>2,334,267</u>
Total	<u>3,011,732</u>	3,083,822

Sec. 15. 2016 Acts and Resolves No. 172, Sec. B.239 is amended to read:

Sec. B.239 Liquor control - warehousing and distribution

Personal services	<u>1,006,762</u>	1,036,188
Operating expenses	<u>414,188</u>	<u>468,940</u>
Total	<u>1,420,950</u>	1,505,128

Source of funds		
Special funds	0	59,752
Enterprise funds	<u>1,420,950</u>	<u>1,445,376</u>
Total	<u>1,420,950</u>	<u>1,505,128</u>

Sec. 16. 2016 Acts and Resolves No. 172, Sec. B.240 is amended to read:

Sec. B.240 Total protection to persons and property

Source of funds		
General fund	139,882,179	140,870,696
Transportation fund	21,150,000	21,150,000
Special funds	82,335,142	83,106,552
Tobacco fund	783,664	600,874
Federal funds	64,642,371	64,642,371
ARRA funds	650,000	650,000
Global Commitment fund	90,278	90,278
Interdepartmental transfers	12,737,631	12,737,631
Enterprise funds	7,988,319	<u>8,032,560</u>
Total	330,259,584	<u>331,880,962</u>

Sec. 17. 2016 Acts and Resolves No. 172, Sec. B.300 is amended to read:

Sec. B.300 Human services - agency of human services - secretary's office

Personal services	16,945,382	16,920,823
Operating expenses	5,927,510	5,927,510
Grants	4,574,386	<u>3,205,754</u>
Total	27,447,278	<u>26,054,087</u>
Source of funds		
General fund	6,969,314	7,782,007
Special funds	91,017	91,017
Tobacco fund	67,500	67,500
Federal funds	12,084,592	13,014,191
Global Commitment fund	6,436,024	3,300,541
Interdepartmental transfers	<u>1,798,831</u>	<u>1,798,831</u>
Total	27,447,278	<u>26,054,087</u>

Sec. 18. 2016 Acts and Resolves No. 172, Sec. B.301 is amended to read:

Sec. B.301 Secretary's office - global commitment

Operating expenses	5,529,495	5,529,495
Grants	1,668,035,577	<u>1,596,194,550</u>
Total	1,673,565,072	<u>1,601,724,045</u>
Source of funds		
General fund	324,036,681	284,257,664
Special funds	28,263,866	28,263,866

Tobacco fund	<u>27,530,657</u>	29,716,875
State health care resources fund	<u>286,005,627</u>	297,599,293
Federal funds	<u>1,007,688,241</u>	961,846,347
Interdepartmental transfers	<u>40,000</u>	<u>40,000</u>
Total	<u>1,673,565,072</u>	1,601,724,045

Sec. 19. 2016 Acts and Resolves No. 172, Sec. B.302 is amended to read:

Sec. B.302 Rate setting

Personal services	831,219	831,219
Operating expenses	<u>98,596</u>	<u>98,596</u>
Total	929,815	929,815
Source of funds		
General fund	0	232,454
Federal funds	0	232,454
Global Commitment fund	<u>929,815</u>	<u>464,907</u>
Total	929,815	929,815

Sec. 20. 2016 Acts and Resolves No. 172, Sec. B.304 is amended to read:

Sec. B.304 Human services board

Personal services	659,457	659,457
Operating expenses	<u>89,986</u>	<u>89,986</u>
Total	749,443	749,443
Source of funds		
General fund	<u>208,383</u>	300,788
Federal funds	<u>112,844</u>	205,248
Global Commitment fund	<u>355,736</u>	170,927
Interdepartmental transfers	<u>72,480</u>	<u>72,480</u>
Total	749,443	749,443

Sec. 21. 2016 Acts and Resolves No. 172, Sec. B.306 is amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	<u>166,815,638</u>	171,369,125
Operating expenses	5,252,813	5,252,813
Grants	<u>17,445,598</u>	<u>24,007,173</u>
Total	<u>189,514,049</u>	200,629,111
Source of funds		
General fund	<u>6,551,086</u>	22,614,386
Special funds	799,894	799,894
Federal funds	<u>99,758,443</u>	125,025,277
Global Commitment fund	<u>71,800,549</u>	42,567,819
Interdepartmental transfers	<u>10,604,077</u>	<u>9,621,735</u>
Total	<u>189,514,049</u>	200,629,111

Sec. 22. 2016 Acts and Resolves No. 172, Sec. B.307 is amended to read:

Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Grants	<u>755,959,456</u>	<u>723,022,818</u>
Total	<u>755,959,456</u>	<u>723,022,818</u>
Source of funds		
Global Commitment fund	<u>755,959,456</u>	<u>723,022,818</u>
Total	<u>755,959,456</u>	<u>723,022,818</u>

Sec. 23. 2016 Acts and Resolves No. 172, Sec. B.308 is amended to read:

Sec. B.308 Department of Vermont health access - Medicaid program - long term care waiver

Grants	<u>187,699,781</u>	<u>191,664,880</u>
Total	<u>187,699,781</u>	<u>191,664,880</u>
Source of funds		
General fund	753,720	753,720
Federal funds	896,280	896,280
Global Commitment fund	<u>186,049,781</u>	<u>190,014,880</u>
Total	<u>187,699,781</u>	<u>191,664,880</u>

Sec. 24. 2016 Acts and Resolves No. 172, Sec. B.309 is amended to read:

Sec. B.309 Department of Vermont health access - Medicaid program - state only

Grants	<u>45,177,465</u>	<u>50,406,034</u>
Total	<u>45,177,465</u>	<u>50,406,034</u>
Source of funds		
General fund	<u>37,254,939</u>	<u>41,476,744</u>
Global Commitment fund	<u>7,922,526</u>	<u>8,929,290</u>
Total	<u>45,177,465</u>	<u>50,406,034</u>

Sec. 25. 2016 Acts and Resolves No. 172, Sec. B.310 is amended to read:

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>46,362,233</u>	<u>47,288,951</u>
Total	<u>46,362,233</u>	<u>47,288,951</u>
Source of funds		
General fund	<u>17,804,538</u>	<u>17,895,238</u>
Federal funds	<u>28,557,695</u>	<u>29,393,713</u>
Total	<u>46,362,233</u>	<u>47,288,951</u>

Sec. 26. 2016 Acts and Resolves No. 172, Sec. B.311 is amended to read:

Sec. B.311 Health - administration and support

Personal services	7,605,625	7,629,625
Operating expenses	2,974,444	2,974,444
Grants	<u>3,185,000</u>	<u>3,185,000</u>
Total	13,765,069	13,789,069
Source of funds		
General fund	2,156,700	2,690,100
Special funds	1,286,732	1,286,732
Federal funds	5,584,598	6,122,798
Global Commitment fund	<u>4,737,039</u>	<u>3,689,439</u>
Total	13,765,069	13,789,069

Sec. 27. 2016 Acts and Resolves No. 172, Sec. B.312 is amended to read:

Sec. B.312 Health - public health

Personal services	40,636,991	41,729,070
Operating expenses	9,221,544	9,221,544
Grants	<u>38,431,111</u>	<u>38,431,111</u>
Total	88,289,646	89,381,725
Source of funds		
General fund	5,496,552	6,883,962
Special funds	17,054,895	17,054,895
Tobacco fund	2,409,514	2,409,514
Federal funds	38,055,582	42,653,289
Global Commitment fund	24,126,242	19,233,204
Interdepartmental transfers	1,121,861	1,121,861
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	88,289,646	89,381,725

Sec. 28. 2016 Acts and Resolves No. 172, Sec. B.313 is amended to read:

Sec. B.313 Health - alcohol and drug abuse programs

Personal services	3,681,311	3,681,311
Operating expenses	295,122	295,122
Grants	<u>47,340,427</u>	<u>47,104,164</u>
Total	51,316,860	51,080,597
Source of funds		
General fund	2,755,862	3,075,190
Special funds	459,453	459,453
Tobacco fund	1,357,025	1,357,025
Federal funds	12,012,707	12,357,085
Global Commitment fund	<u>34,731,813</u>	<u>33,831,844</u>
Total	51,316,860	51,080,597

Sec. 29. 2016 Acts and Resolves No. 172, Sec. B.314 is amended to read:

Sec. B.314 Mental health - mental health

Personal services	28,694,403	28,871,779
Operating expenses	3,885,385	3,547,885
Grants	<u>191,675,667</u>	<u>192,784,357</u>
Total	224,255,455	225,204,021
Source of funds		
General fund	1,593,826	3,129,204
Special funds	434,904	434,904
Federal funds	3,620,435	5,155,813
Global Commitment fund	218,586,290	216,464,100
Interdepartmental transfers	<u>20,000</u>	<u>20,000</u>
Total	224,255,455	225,204,021

Sec. 30. 2016 Acts and Resolves No. 172, Sec. B.316 is amended to read:

Sec. B.316 Department for children and families - administration & support services

Personal services	37,891,973	40,655,644
Operating expenses	9,938,078	9,938,078
Grants	<u>3,828,592</u>	<u>3,828,592</u>
Total	51,658,643	54,422,314
Source of funds		
General fund	23,929,434	27,852,319
Special funds	718,986	650,355
Federal funds	23,390,910	22,983,744
Global Commitment fund	3,402,828	2,719,432
Interdepartmental transfers	<u>216,485</u>	<u>216,464</u>
Total	51,658,643	54,422,314

Sec. 31. 2016 Acts and Resolves No. 172, Sec. B.317 is amended to read:

Sec. B.317 Department for children and families - family services

Personal services	32,371,167	32,849,031
Operating expenses	4,701,495	4,701,495
Grants	<u>74,996,824</u>	<u>75,838,378</u>
Total	112,069,486	113,388,904
Source of funds		
General fund	33,801,991	36,118,736
Special funds	1,691,637	1,691,637
Federal funds	25,015,922	23,639,368
Global Commitment fund	51,423,882	51,804,397

Interdepartmental transfers	<u>136,054</u>	<u>134,766</u>
Total	112,069,486	113,388,904

Sec. 32. 2016 Acts and Resolves No. 172, Sec. B.318 is amended to read:

Sec. B.318 Department for children and families - child development

Personal services	6,196,295	5,870,884
Operating expenses	833,601	833,601
Grants	<u>76,393,172</u>	<u>75,919,898</u>
Total	83,423,068	82,624,383
Source of funds		
General fund	31,554,569	30,048,796
Special funds	1,820,000	1,820,000
Federal funds	38,233,170	39,112,563
Global Commitment fund	<u>11,815,329</u>	<u>11,643,024</u>
Total	83,423,068	82,624,383

Sec. 33. 2016 Acts and Resolves No. 172, Sec. B.319 is amended to read:

Sec. B.319 Department for children and families - office of child support

Personal services	10,226,408	9,800,234
Operating expenses	<u>3,644,264</u>	<u>3,644,264</u>
Total	13,870,672	13,444,498
Source of funds		
General fund	3,445,615	3,356,014
Special funds	455,718	455,718
Federal funds	9,581,739	9,245,166
Interdepartmental transfers	<u>387,600</u>	<u>387,600</u>
Total	13,870,672	13,444,498

Sec. 34. 2016 Acts and Resolves No. 172, Sec. B.321 is amended to read:

Sec. B.321 Department for children and families - general assistance

Grants	<u>7,087,010</u>	<u>7,077,360</u>
Total	7,087,010	7,077,360
Source of funds		
General fund	5,680,025	5,680,025
Federal funds	1,111,320	1,111,320
Global Commitment fund	<u>295,665</u>	<u>286,015</u>
Total	7,087,010	7,077,360

Sec. 35. 2016 Acts and Resolves No. 172, Sec. B.323 is amended to read:

Sec. B.323 Department for children and families - reach up

Operating expenses	95,202	95,202
Grants	<u>37,253,135</u>	<u>34,587,154</u>
Total	<u>37,348,337</u>	34,682,356
Source of funds		
General fund	<u>7,780,772</u>	7,582,808
Special funds	<u>23,401,676</u>	21,702,814
Federal funds	<u>3,819,096</u>	2,802,110
Global Commitment fund	<u>2,346,793</u>	<u>2,594,624</u>
Total	<u>37,348,337</u>	34,682,356

Sec. 36. 2016 Acts and Resolves No. 172, Sec. B.325 is amended to read:

Sec. B.325 Department for children and families - office of economic opportunity

Personal services	372,844	406,869
Operating expenses	28,119	28,119
Grants	<u>9,315,255</u>	<u>9,315,255</u>
Total	<u>9,716,218</u>	9,750,243
Source of funds		
General fund	<u>4,667,495</u>	4,704,762
Special funds	57,990	57,990
Federal funds	<u>4,350,417</u>	4,347,175
Global Commitment fund	<u>640,316</u>	<u>640,316</u>
Total	<u>9,716,218</u>	9,750,243

Sec. 37. 2016 Acts and Resolves No. 172, Sec. B.326 is amended to read:

Sec. B.326 Department for children and families - OEO - weatherization assistance

Personal services	289,008	286,726
Operating expenses	53,816	53,816
Grants	<u>11,257,176</u>	<u>11,429,642</u>
Total	<u>11,600,000</u>	11,770,184
Source of funds		
Special funds	10,600,000	10,542,028
Federal funds	<u>1,000,000</u>	<u>1,228,156</u>
Total	11,600,000	11,770,184

Sec. 38. 2016 Acts and Resolves No. 172, Sec. B.327 is amended to read:

Sec. B.327 Department for children and families - Woodside rehabilitation center

Personal services	4,795,936	4,752,553
Operating expenses	<u>694,946</u>	<u>694,946</u>
Total	5,490,882	5,447,499
Source of funds		
General fund	1,035,771	2,540,303
Global Commitment fund	4,358,111	2,810,196
Interdepartmental transfers	<u>97,000</u>	<u>97,000</u>
Total	5,490,882	5,447,499

Sec. 39. 2016 Acts and Resolves No. 172, Sec. B.328 is amended to read:

Sec. B.328 Department for children and families - disability determination services

Personal services	5,701,206	5,657,262
Operating expenses	<u>527,556</u>	<u>527,556</u>
Total	6,228,762	6,184,818
Source of funds		
General fund	0	41,250
Federal funds	5,963,048	5,921,480
Global Commitment fund	<u>265,714</u>	<u>222,088</u>
Total	6,228,762	6,184,818

Sec. 40. 2016 Acts and Resolves No. 172, Sec. B.329 is amended to read:

Sec. B.329 Disabilities, aging, and independent living - administration & support

Personal services	29,605,791	30,562,289
Operating expenses	<u>5,211,053</u>	<u>5,211,053</u>
Total	34,816,844	35,773,342
Source of funds		
General fund	11,637,389	13,736,730
Special funds	1,390,457	1,390,457
Federal funds	13,491,875	15,865,166
Global Commitment fund	7,230,839	3,714,705
Interdepartmental transfers	<u>1,066,284</u>	<u>1,066,284</u>
Total	34,816,844	35,773,342

Sec. 41. 2016 Acts and Resolves No. 172, Sec. B.330 is amended to read:

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	<u>20,787,826</u>	<u>21,009,192</u>
Total	<u>20,787,826</u>	<u>21,009,192</u>
Source of funds		
General fund	7,952,440	8,258,045
Federal funds	6,992,730	7,109,531
Global Commitment fund	<u>5,842,656</u>	<u>5,641,616</u>
Total	<u>20,787,826</u>	<u>21,009,192</u>

Sec. 42. 2016 Acts and Resolves No. 172, Sec. B.333 is amended to read:

Sec. B.333 Disabilities, aging, and independent living - developmental services

Grants	<u>198,329,289</u>	<u>197,653,038</u>
Total	<u>198,329,289</u>	<u>197,653,038</u>
Source of funds		
General fund	155,125	155,125
Special funds	15,463	15,463
Federal funds	359,857	359,857
Global Commitment fund	<u>197,798,844</u>	<u>197,122,593</u>
Total	<u>198,329,289</u>	<u>197,653,038</u>

Sec. 43. 2016 Acts and Resolves No. 172, Sec. B.338 is amended to read:

Sec. B.338 Corrections - correctional services

Personal services	110,418,338	109,759,491
Operating expenses	20,357,559	20,357,559
Grants	<u>9,872,638</u>	<u>9,872,638</u>
Total	<u>140,648,535</u>	<u>139,989,688</u>
Source of funds		
General fund	<u>133,763,426</u>	<u>133,104,579</u>
Special funds	629,963	629,963
Federal funds	470,962	470,962
Global Commitment fund	5,387,869	5,387,869
Interdepartmental transfers	<u>396,315</u>	<u>396,315</u>
Total	<u>140,648,535</u>	<u>139,989,688</u>

Sec. 44. 2016 Acts and Resolves No. 172, Sec. B.342 is amended to read:

Sec. B.342 Vermont veterans' home - care and support services

Personal services	<u>17,571,664</u>	18,961,591
Operating expenses	<u>4,794,203</u>	<u>4,794,203</u>
Total	<u>22,365,867</u>	23,755,794
Source of funds		
General fund	<u>5,923,637</u>	7,313,564
Special funds	8,655,269	8,655,269
Federal funds	7,375,975	7,375,975
Global Commitment fund	<u>410,986</u>	<u>410,986</u>
Total	<u>22,365,867</u>	23,755,794

Sec. 45. 2016 Acts and Resolves No. 172, Sec. B.345 is amended to read:

Sec. B.345 Green Mountain Care Board

Personal services	8,736,409	8,736,409
Operating expenses	<u>835,995</u>	<u>1,230,995</u>
Total	<u>9,572,404</u>	9,967,404
Source of funds		
General fund	<u>1,243,276</u>	1,401,276
Special funds	<u>2,105,927</u>	2,342,927
Federal funds	448,808	448,808
Global Commitment fund	4,281,832	4,281,832
Interdepartmental transfers	<u>1,492,561</u>	<u>1,492,561</u>
Total	<u>9,572,404</u>	9,967,404

Sec. 46. 2016 Acts and Resolves No. 172, Sec. B.346 is amended to read:

Sec. B.346 Total human services

Source of funds		
General fund	<u>699,053,240</u>	693,886,463
Special funds	<u>101,134,220</u>	99,545,755
Tobacco fund	<u>31,364,696</u>	33,550,914
State health care resources fund	<u>286,005,627</u>	297,599,293
Education fund	3,109,463	3,109,463
Federal funds	<u>1,402,880,147</u>	1,391,826,777
Global Commitment fund	<u>1,616,937,101</u>	1,540,769,628
Internal service funds	1,908,035	1,908,035
Interdepartmental transfers	<u>25,648,419</u>	24,664,768
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	<u>4,168,065,948</u>	4,086,886,096

Sec. 47. 2016 Acts and Resolves No. 172, Sec. B.400 is amended to read:

Sec. B.400 Labor - programs

Personal services	31,244,618	31,385,327
Operating expenses	9,723,007	9,723,007
Grants	<u>225,000</u>	<u>225,000</u>
Total	41,192,625	41,333,334
Source of funds		
General fund	3,314,311	3,455,020
Special funds	3,363,869	3,363,869
Federal funds	32,805,942	32,805,942
Interdepartmental transfers	<u>1,708,503</u>	<u>1,708,503</u>
Total	41,192,625	41,333,334

Sec. 48. 2016 Acts and Resolves No. 172, Sec. B.401 is amended to read:

Sec. B.401 Total labor

Source of funds		
General fund	3,314,311	3,455,020
Special funds	3,363,869	3,363,869
Federal funds	32,805,942	32,805,942
Interdepartmental transfers	<u>1,708,503</u>	<u>1,708,503</u>
Total	41,192,625	41,333,334

Sec. 49. 2016 Acts and Resolves No. 172, Sec. B.500 is amended to read:

Sec. B.500 Education - finance and administration

Personal services	9,135,219	9,171,719
Operating expenses	2,507,191	2,530,691
Grants	<u>15,810,700</u>	<u>15,810,700</u>
Total	27,453,110	27,513,110
Source of funds		
General fund	3,621,946	3,851,946
Special funds	16,821,588	16,821,588
Education fund	1,014,007	1,014,007
Federal funds	5,036,834	5,036,834
Global Commitment fund	958,735	618,735
Interdepartmental transfers	<u>0</u>	<u>170,000</u>
Total	27,453,110	27,513,110

Sec. 50. 2016 Acts and Resolves No. 172, Sec. B.504.1 is amended to read:

Sec. B.504.1 Education - Flexible Pathways

Grants	4,750,000	<u>6,147,950</u>
Total	4,750,000	6,147,950

Source of funds		
Education fund	<u>4,750,000</u>	<u>6,147,950</u>
Total	<u>4,750,000</u>	<u>6,147,950</u>

Sec. 51. 2016 Acts and Resolves No. 172, Sec. B.516 is amended to read:

Sec. B.516 Total general education

Source of funds		
General fund	416,211,446	416,441,446
Special funds	19,818,405	19,818,405
Tobacco fund	750,389	750,389
Education fund	1,561,914,715	1,563,312,665
Federal funds	136,221,887	136,221,887
Global Commitment fund	958,735	618,735
Interdepartmental transfers	1,324,368	1,494,368
Pension trust funds	<u>9,640,893</u>	<u>9,640,893</u>
Total	2,146,840,838	2,148,298,788

Sec. 52. 2016 Acts and Resolves No. 172, Sec. B.602 is amended to read:

Sec. B.602 Vermont state colleges

Grants	<u>24,300,464</u>	<u>25,070,464</u>
Total		<u>24,300,464</u>
25,070,464		
Source of funds		
General fund	<u>24,300,464</u>	<u>25,070,464</u>
Total	<u>24,300,464</u>	<u>25,070,464</u>

Sec. 53. 2016 Acts and Resolves No. 172, Sec. B.608 is amended to read:

Sec. B.608 Total higher education

Source of funds		
General fund	83,981,346	84,751,346
Global Commitment fund	<u>4,455,678</u>	<u>4,455,678</u>
Total	88,437,024	89,207,024

Sec. 54. 2016 Acts and Resolves No. 172, Sec. B.700 is amended to read:

Sec. B.700 Natural resources - agency of natural resources - administration

Personal services	3,517,448	3,517,448
Operating expenses	<u>2,128,893</u>	2,203,893
Grants	<u>114,960</u>	<u>114,960</u>
Total	5,761,301	5,836,301

Source of funds		
General fund	4,850,163	4,925,163
Special funds	472,400	472,400
Federal funds	275,000	275,000
Interdepartmental transfers	<u>163,738</u>	<u>163,738</u>
Total	5,761,301	5,836,301

Sec. 55. 2016 Acts and Resolves No. 172, Sec. B.702 is amended to read:

Sec. B.702 Fish and wildlife - support and field services

Personal services	16,280,543	16,345,543
Operating expenses	5,286,467	5,286,467
Grants	<u>739,000</u>	<u>739,000</u>
Total	22,306,010	22,371,010
Source of funds		
General fund	4,987,323	5,052,323
Special funds	77,955	77,955
Fish and wildlife fund	9,592,312	9,592,312
Federal funds	7,531,572	7,531,572
Interdepartmental transfers	115,848	115,848
Permanent trust funds	<u>1,000</u>	<u>1,000</u>
Total	22,306,010	22,371,010

Sec. 56. 2016 Acts and Resolves No. 172, Sec. B.710 is amended to read:

Sec. B.710 Environmental conservation - air and waste management

Personal services	10,490,655	12,559,102
Operating expenses	8,220,578	8,220,578
Grants	<u>1,949,993</u>	<u>1,949,993</u>
Total	20,661,226	22,729,673
Source of funds		
General fund	90,472	90,472
Special funds	16,726,784	18,795,231
Federal funds	3,629,701	3,629,701
Interdepartmental transfers	<u>214,269</u>	<u>214,269</u>
Total	20,661,226	22,729,673

Sec. 57. 2016 Acts and Resolves No. 172, Sec. B.714 is amended to read:

Sec. B.714 Total natural resources

Source of funds		
General fund	27,106,133	27,246,133
Special funds	43,900,501	45,968,948
Fish and wildlife fund	9,592,312	9,592,312
Federal funds	43,637,187	43,637,187

Interdepartmental transfers	7,695,501	7,695,501
Permanent trust funds	<u>1,000</u>	<u>1,000</u>
Total	131,932,634	134,141,081

Sec. 58. 2016 Acts and Resolves No. 172, Sec. B.1000 is amended to read:

Sec. B.1000 Debt service

Operating expenses	<u>76,991,491</u>	<u>76,991,491</u>
Total	76,991,491	76,991,491
Source of funds		
General fund	71,119,465	71,120,080
Transportation fund	1,884,089	1,884,089
Special funds	336,000	336,000
ARRA funds	1,150,524	1,149,919
TIB debt service fund	<u>2,501,413</u>	<u>2,501,413</u>
Total	76,991,491	76,991,491

Sec. 59. 2016 Acts and Resolves No. 172, Sec. B.1001 is amended to read:

Sec. B.1001 Total debt service

Source of funds		
General fund	71,119,465	71,120,080
Transportation fund	1,884,089	1,884,089
Special funds	336,000	336,000
ARRA funds	1,150,524	1,149,919
TIB debt service fund	<u>2,501,413</u>	<u>2,501,413</u>
Total	76,991,491	76,991,491

Sec. 60. FUND TRANSFERS

(a) Notwithstanding any provision of law to the contrary, in fiscal year 2017:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

<u>21054</u>	<u>Misc. Fines & Penalties</u>	<u>442,849.77</u>
<u>21065</u>	<u>Financial Institute Supervision</u>	<u>728,499.86</u>
<u>21405</u>	<u>Bond Investment Earnings Fund</u>	<u>161,100.90</u>
<u>21550</u>	<u>Land & Facilities Trust Fund</u>	<u>450,000.00</u>
<u>21641</u>	<u>AG – Administrative Special Fund</u>	<u>30,848.02</u>
<u>21638</u>	<u>AG – Fees & Reimbursements -Court Order</u>	<u>2,400,000.00</u>
<u>22005</u>	<u>AHS Central Office earned federal receipts</u>	<u>28,040,542.00</u>

<u>50300</u>	<u>Liquor Control Fund</u>	<u>955,000.00</u>
	<u>Caledonia Fair</u>	<u>5,000.00</u>
	<u>North Country Hospital Loan</u>	<u>24,250.00</u>

(2) All or a portion of the unencumbered balances in the Insurance Regulatory and Supervision Fund (Fund Number 21075), the Captive Insurance Regulatory and Supervision Fund (Fund Number 21085), and the Securities Regulatory and Supervision Fund (Fund Number 21080) expected to be approximately \$22,452,018 shall be transferred to the General Fund, provided that on or before July 1, 2017, the Commissioner of Financial Regulation certifies to the Joint Fiscal Committee that the transfer of such balances, or any smaller portion deemed proper by the Commissioner, will not impair the ability of the Department in fiscal year 2018 to provide thorough, competent, fair, and effective regulatory services, or maintain accreditation by the National Association of Insurance Commissioners; and that the Joint Fiscal Committee does not reject such certification.

(3) The following amounts shall be transferred from the General Fund to the funds indicated:

<u>21275</u>	<u>Environmental Contingency Fund</u>	<u>500,000.00</u>
<u>21555</u>	<u>Emergency Relief and Assistance Fund</u>	<u>1,176,226.00</u>
<u>59500</u>	<u>Single Audit Revolving Fund</u>	<u>196,169.00</u>

(4) The following amount shall be transferred to the General Fund from the Agency of Human Services' earned federal receipts and reserved in the Human Services Caseload Reserve established in 32 V.S.A. § 308b and amended by Sec. 75 of this act.

<u>22005</u>	<u>AHS Central Office earned federal receipts</u>	<u>10,000,000.00</u>
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Sec. 61. REVERSIONS

(a) Notwithstanding any provision of law to the contrary, in fiscal year 2017:

(1) The following amounts shall revert to the General Fund from the accounts indicated:

<u>1100030000</u>	<u>Pay Plan Adjustment</u>	<u>659,116.00</u>
<u>1240001000</u>	<u>Lieutenant Governor's Office</u>	<u>4,603.00</u>
<u>1250010000</u>	<u>Auditor of Accounts</u>	<u>63,533.00</u>
<u>1260010000</u>	<u>Office of the Treasurer</u>	<u>35,868.00</u>
<u>2100001000</u>	<u>Attorney General's Office</u>	<u>25,416.00</u>

<u>3310000000</u>	<u>Commission on Women</u>	<u>10,890.00</u>
<u>3330010000</u>	<u>Green Mountain Care Board</u>	<u>296,663.00</u>
<u>5100070000</u>	<u>Education services</u>	<u>245,000.00</u>

(2) The following amounts shall revert to the Education Fund from the accounts indicated:

<u>5100040000</u>	<u>Special Education Formula</u>	<u>9,212,026.11</u>
<u>5100050000</u>	<u>State-Placed Students</u>	<u>593,810.48</u>
<u>5100090000</u>	<u>Education Grant</u>	<u>341,879.54</u>
<u>5100190000</u>	<u>Essential Early Education Grant</u>	<u>209,218.79</u>
<u>5100120000</u>	<u>Debt Service Aid</u>	<u>100,447.00</u>
<u>5100200000</u>	<u>Education-Technical Education</u>	<u>203,853.72</u>
<u>5100060000</u>	<u>Adult Basic Education</u>	<u>1,397,949.90</u>

(3) The following amount shall revert to the Transportation Infrastructure Bond Fund from the account indicated:

<u>8100001700</u>	<u>Transportation – rest areas constructions</u>	<u>173,114.00</u>
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Sec. 61a. 2016 Acts and Resolves No. 172, Sec. E.126 is amended to read:

Sec. E.126 Legislature

(a) Notwithstanding any other provision of law, from fiscal year 2016 funds appropriated to the Legislature and carried forward into fiscal year 2017, the amount of \$113,500 shall revert to the General Fund. Of this amount \$30,000 shall revert from the appropriations in Dept. ID #1210891402 (expense reimbursement related to the child protection study) and Dept. ID#1210891401 (results-based accountability training).

* * *

Sec. 62. EXPENDITURE OF HUMAN SERVICES CASELOAD RESERVE

(a) In fiscal year 2017, \$3,738,117 from the General Fund is appropriated to the Commissioner of Finance and Management for transfer to the Agency of Human Services – Global Commitment to ensure sufficient funding for Global Commitment during fiscal year 2017. Prior to the close of fiscal year 2017, the Commissioner shall determine the amount needed for transfer, and shall provide a written report to the Joint Fiscal Committee of the determination and the amount transferred. Any funds remaining in this appropriation and not transferred shall revert to the General Fund in fiscal year 2017.

(b) The amount of funds appropriated in subsection (a) of this section shall be unreserved from the Human Services Caseload Reserve established in 32 V.S.A. § 308b. The funds reverted in subsection (a) of this section shall be reserved in the Human Services Caseload Reserve.

Sec. 63. 2014 Acts and Resolves No. 120, Sec. 4(d) is amended to read:

(d) ~~On or after July 1, 2018~~ By June 30, 2017, if the Attorney General is not involved in ongoing litigation regarding the requirements of 9 V.S.A. chapter 82A and monies in the Fund exceed the costs or liabilities of the Attorney General or the State:

(1) unexpended monies in the Fund received from private or public sources shall be appropriated by the General Assembly, after review by the Senate and House Committees on Appropriations, the Senate Committee on Agriculture, and the House Committee on Agriculture and ~~Forest Products~~ Forestry, for the support of agricultural activities or agricultural purposes in the State, including promotion of value-added products, compliance with water quality requirements, and marketing assistance and development; and

(2) unexpended State monies in the Fund shall ~~revert~~ be transferred to the General Fund.

Sec. 64. TRANSPORTATION FUND APPROPRIATION REDUCTIONS

(a) The Secretary of Administration, after consulting with the Secretary of Transportation, shall reduce Transportation Fund appropriations to the Agency of Transportation to the extent necessary to ensure the Transportation Fund Stabilization Reserve is funded at its maximum statutory level at the close of fiscal year 2017.

(b) In making any appropriation reductions authorized under subsection (a) of this section, the Secretary of Administration shall avoid, to the extent possible, any reductions in appropriations to the town programs described in 19 V.S.A. § 306. Any reductions to these town programs shall not affect projects or grants, and any appropriation reductions shall be replaced in fiscal year 2018.

(c) In July 2017, the Secretary of Administration shall report any appropriation reductions made under the authority of this section to the Joint Fiscal Office, the Joint Fiscal Committee, and the Joint Transportation Oversight Committee.

Sec. 65. HOME HEATING FUEL ASSISTANCE FUND REPEAL AND TRANSFER

(a) 33 V.S.A. §§ 2602(d) and 2603, Home Heating Fuel Assistance Fund (#21210), are repealed.

(b) The balance remaining in the Fund shall be transferred to the General Fund.

Sec. 66. INDUSTRIAL HOMEWORK FUND REPEAL AND TRANSFER

(a) 33 V.S.A. § 1502(6) is repealed.

(b) The balance remaining in the Industrial Homework Fund shall be transferred to the General Fund.

Sec. 67. AQUATIC NUISANCE CONTROL FUND REPEAL AND TRANSFER

(a) General funds shall be transferred to the Aquatic Nuisance Control Fund in the amount needed to bring the Fund balance to zero.

Sec. 68. CARRY FORWARD AUTHORITY

(a) Notwithstanding any other provisions of law and subject to the approval of the Secretary of Administration, General, Transportation, Transportation Infrastructure Bond, and Education Fund appropriations remaining unexpended on June 30, 2017 in the Executive Branch of State government shall be carried forward and shall be designated for expenditure.

(b) Notwithstanding any other provisions of law, General Fund appropriations remaining unexpended on June 30, 2017 in the Legislative and Judicial branches of State government shall be carried forward and shall be designated for expenditure.

Sec. 69. 2016 Acts and Resolves No.172, Sec. B.1103(a) is amended to read:

(a) ~~The Secretary of Administration shall reduce fiscal year 2017 appropriations and make transfers to the General Fund for a total of \$500,000 due to savings~~ Savings generated from improved risk management processes which are under way in the administration of the State's risk management programs shall be used to reduce projected fiscal year 2017 negative balances in the Risk Management Internal Service Fund.

Sec. 70. 2016 Acts and Resolves No.172, Sec. B.1106(b) is amended to read:

(b) The Secretary of Administration shall reduce fiscal year 2017 appropriations and make transfers to the General Fund for a total of ~~\$550,000~~ \$343,369. Savings in the amount of \$206,631 are included in this fiscal year 2017 budget adjustment for a total savings of \$550,000. The remaining appropriations and transfers for savings associated with positions abolished in subsection (a) of this section ~~and shall include the appropriation reductions and transfers in the report~~ be made prior to close out of fiscal year 2017 and be reported to the Joint Fiscal Committee ~~in November 2016~~ at the July 2017 meeting.

Sec. 70a. 2016 Acts and Resolves No. 172, Sec. B.1107 is amended to read:

Sec. B.1107 FISCAL YEAR 2017 APPROPRIATED RESERVE

* * *

(c) Any remaining funds not approved for expenditure by December 15, 2016 shall ~~be available for the fiscal year 2017 budget adjustment process~~ revert to the General Fund in fiscal year 2017.

Sec. 71. GRAND LIST LITIGATION ASSISTANCE

(a) The funds transferred to the Attorney General and Department of Taxes from 2016 Acts and Resolves No. 172, Sec. B.139 by the Emergency Board on July 21, 2016 shall be reserved and used with any remaining funds from the amount previously transferred for payment of expenses incurred by the Department or towns in defense of grand list appeals regarding the reappraisals of the hydroelectric plants and other property owned by TransCanada Hydro Northeast, Inc. in the State of Vermont. Expenditures for this purpose shall be considered qualified expenditures under 16 V.S.A. § 4025(c).

Sec. 72. 2016 Acts and Resolves No.172, Sec. E.100 is amended to read:

Sec. E.100 EXECUTIVE BRANCH POSITION AUTHORIZATIONS

(a) The establishment of the following new permanent classified positions, intended to support the implementation of the All Payer Model, is authorized in fiscal year 2017 only if the Centers for Medicaid and Medicare Services (CMS) approves Vermont's request for a waiver.

(1) In the Green Mountain Care Board – one (1) ~~Health Care Statistical Information Administrator~~ Health Policy Analyst, one (1) ~~Health Facility Senior Auditor & Rate Specialist~~, and two (2) ~~Reimbursement Analyst, Financial Manager II~~, one (1) Financial Systems Analyst, and one (1) Health Policy Advisor.

* * *

Sec. 73. 19 V.S.A. § 11a(b) is amended to read:

(b) In fiscal year 2017 ~~and in succeeding fiscal years~~, of the funds appropriated to the Department of Public Safety pursuant to subsection (a) of this section, the amount of ~~\$2,100,000.00~~ \$1,680,000.00 is allocated exclusively for the purchase, outfitting, assignment, and disposal of State Police vehicles. In fiscal year 2018 and in succeeding fiscal years, of the funds appropriated to the Department of Public Safety pursuant to subsection (a) of this section, the amount of \$2,100,000.00 is allocated exclusively for the purchase, outfitting, assignment, and disposal of State Police vehicles. Any unexpended and unencumbered funds remaining in this allocation at the close

of a fiscal year shall revert to the Transportation Fund. The Department of Public Safety may periodically recommend to the General Assembly that this allocation be adjusted to reflect market conditions for the vehicles and equipment.

Sec. 74. 2016 Acts and Resolves No. 172, Sec. D.101(a)(5) is amended to read:

(5) From the Evidence-Based Education and Advertising Fund established by 33 V.S.A. § 2004a to the General Fund. Notwithstanding any law to the contrary, the first \$500,000 of any cigarette tax receipts above the amount adopted in the forecast within the State Health Care Resources Fund in January 2016 by the Emergency Board for fiscal year 2016 shall be ~~deposited in~~ transferred to the Evidence-Based Evidence-Based Education and Advertising Fund: \$1,800,000.

Sec. 75. 32 V.S.A. § 308b(b) is amended to read:

(b) The Secretary of Administration may transfer to the Human Services Caseload Reserve any General Fund carry-forward directly attributable to ~~Aid to Needy Families with Children (ANFC)~~ Agency of Human Services caseload reductions and the effective management of related federal receipts, with the exclusion of the Department of Corrections.

Sec. 75a. REPEAL; HOME HEALTH PROSPECTIVE PAYMENT

(a) 33 V.S.A. § 1901h (Prospective payment; home health services) is repealed.

Sec. 76. GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER; REPORT

(a) In order to facilitate the end-of-year closeout for fiscal year 2017, the Secretary of Human Services, with approval from the Secretary of Administration, may make transfers among the appropriations authorized for Medicaid and Medicaid-waiver program expenses, including Global Commitment appropriations outside the Agency of Human Services. At least three business days prior to any transfer, the Agency shall submit to the Joint Fiscal Office a proposal of transfers to be made pursuant to this section. A final report on all transfers made under this section shall be made to the Joint Fiscal Committee for review at the September 2017 meeting. The purpose of this section is to provide the Agency with limited authority to modify the appropriations to comply with the terms and conditions of the Global Commitment for Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

Sec. 77. TREATMENT FOR SUBSTANCE USE DISORDER; WAIVER AMENDMENT

(a) The Secretary of Human Services may seek approval from the Centers for Medicare and Medicaid Services to amend Vermont's Global Commitment to Health Section 1115 waiver to include the design, development, and implementation of a substance use disorder treatment system that includes a continuum of services to improve care and outcomes for individuals with substance use disorder.

Sec. 78. 2016 Acts and Resolves No. 172, Sec. E.301(b) is amended to read:

(b) In addition to the State funds appropriated in this section, a total estimated sum of ~~\$29,633,326~~ \$28,082,571 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) ~~\$18,500,400~~ \$23,068,400 certified State match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with ~~\$21,999,600~~ \$27,431,600 of federal funds appropriated in Sec. B.301 of this act equals a total estimated expenditure of ~~\$40,500,000~~ \$50,500,000. An amount equal to the amount of the federal matching funds for eligible special education school-based Medicaid services under Global Commitment shall be transferred from the Global Commitment Fund to the Medicaid Reimbursement Special Fund created in 16 V.S.A. § 2959a.

~~(2) \$4,091,214 certified State match available from local education agencies for direct schoolbased health services, including school nurse services, that increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.~~

~~(3) \$1,883,273~~ \$941,637 certified State match available from local education agencies for eligible services as allowed by federal regulation for early periodic screening, diagnosis, and treatment programs for schoolage children.

~~(4)~~(3) ~~\$2,731,052~~ \$1,716,095 certified State match available via the University of Vermont's Child Health Improvement Program for quality improvement initiatives for the Medicaid program.

~~(5)~~(4) ~~\$2,427,387~~ \$2,356,439 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

Sec. 79. CORRECTIONS APPROPRIATIONS; TRANSFER; REPORT

(a) In fiscal year 2017, the Secretary of Administration may, upon recommendation of the Secretary of Human Services, transfer unexpended

funds between the respective appropriations for correctional services and for correctional services-out of state beds. At least three days prior to any such transfer being made, the Secretary of Administration shall report the intended transfer to the Joint Fiscal Office and shall report any completed transfers to the Joint Fiscal Committee at its next scheduled meeting.

Sec. 80. 2016 Acts and Resolves No. 113, Sec. 13 is amended to read:

Sec. 13. MEDICAID ADVISORY RATE CASE FOR ACO SERVICES

(a) On or before December 31, ~~2016~~ 2017, the Green Mountain Care Board shall review any all-inclusive population-based payment arrangement between the Department of Vermont Health Access and an accountable care organization for calendar year years 2017 and 2018. The Board's review shall include the number of attributed lives, eligibility groups, covered services, elements of the per-member, per-month payment, and any other nonclaims payments. The Board's review may include deliberative sessions to the same extent as allowable under insurance rate review in 8 V.S.A. § 4062.

(b) The review shall be nonbinding on the Agency of Human Services, and nothing in this section shall be construed to abrogate the designation of the Agency of Human Services as the single State agency as required by 42 C.F.R. §431.10.

(c) The Board shall review the payment arrangement prior to the finalization of a contract between the Department and the accountable care organization and shall maintain the confidentiality of information necessary to preserve contract negotiations of the parties. The Board shall release its advisory opinion within 30 days of the finalization of the contract between the parties.

(d) The Department of Vermont Health Access shall provide the Board and its contractors such data and information as requested by the Board for its review in the time frame set forth by the Board.

Sec. 81. REPEAL

(a) 2016 Acts and Resolves No.172, Sec. E.345.1 (Green Mountain Care Board; All Payer Model Agreement) is repealed.

Sec. 82. BENNINGTON PFOA RESPONSE EXPENDITURES

(a) Notwithstanding the \$100,000 minimum balance required by 10 V.S.A. § 1283(b), the Secretary may spend funds in fiscal year 2017 necessary to investigate and remediate the release of perfluorooctanoic acid (PFOA) in the Town of Bennington and Village of North Bennington. To the extent that these expenditures exceed receipts to the Fund established by 10 V.S.A. § 1283, the Secretary shall include those expenditures in the fiscal year 2018 budget request.

Sec. 83. EXEMPTIONS FROM TRANSPORTATION FUND BUDGET STABILIZATION RESERVES

(a) Transportation Fund amounts totaling \$2,560,373.70, reverted under the Secretary of Administration's carry-forward authority in 2016 Acts and Resolves No. 68, Sec. 56(a), are exempt from the fiscal year 2016 Transportation Fund appropriation total used to calculate the five percent budget stabilization requirement for fiscal year 2017 in 32 V.S.A. § 308a.

Sec. 84. EFFECTIVE DATE

(a) This act shall take effect on passage.

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposal of amendment was agreed to, and third reading of the bill was ordered.

Election of Senate Members to Judicial Nominating Board

The President announced that the next order of business was the election of three members of the Senate to serve on the Judicial Nominating Board pursuant to 4 V.S.A. §601.

Senator Ashe, on behalf of the Committee on Committees, placed in nomination the names of the following Senators to serve on the Board:

CLAIRE D. AYER

of Addison District, as the majority party member of the Board.

BRIAN P. COLLAMORE

of Rutland District, as the minority party member of the Board.

JOHN S. RODGERS

of Essex-Orleans District, as the third member of the Board.

Senator Mazza of Grand Isle District seconded these nominations.

There being no further nominations, on motion of Senator Ashe, the nominations were closed, and the Secretary was instructed to cast one ballot for

CLAIRE D. AYER

of Addison District, as the majority party member of the Board, for a term of two years or until her successor is elected and has qualified.

BRIAN P. COLLAMORE

of Rutland District, as the minority party member of the Board, for a term of two years or until his successor is elected and has qualified.

JOHN S. RODGERS

of Essex-Orleans District, as the third member of the Board, for a term of two years or until his successor is elected and has qualified.

Adjournment

On motion of Senator Ashe, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

FRIDAY, FEBRUARY 10, 2017

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by Rabbi James Scott Glazier of South Burlington.

Pages Honored

In appreciation of their many services to the members of the General Assembly, the President recognized the following-named pages who are completing their services today and presented them with letters and a small gift of appreciation.

Noah Anderson of Woodstock
William Belluche of Burlington
Olivia Rose Davison of Hardwick
Isidora Dickstein of St. Johnsbury
Aliza Jernigan of Waitsfield
Meghan Kimball of Lake Elmore
Joshua LaJeunesse of Northfield
Mairen Tierney of Newark
Hazel Wagner of Brattleboro
Katy Waterman of Weybridge

Message from the House No. 17

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 14. An act relating to automated external defibrillators.

In the passage of which the concurrence of the Senate is requested.

Message from the House No. 18

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 31. House concurrent resolution in memory of Marion Pritchard.

H.C.R. 32. House concurrent resolution designating February 3, 2017 as Wear Red Day at the State House.

H.C.R. 33. House concurrent resolution honoring Bonnie and Timothy Burke for their outstanding work at Wilson House in East Dorset.

H.C.R. 34. House concurrent resolution designating February 8, 2017 as Farm to School Awareness Day at the State House.

H.C.R. 35. House concurrent resolution commemorating the 240th anniversary of the Battle of Hubbardton.

H.C.R. 36. House concurrent resolution congratulating the 2016 Eagle class of Green Mountain Council Boy Scouts.

H.C.R. 37. House concurrent resolution honoring Nathaniel A. Boone of Winhall for his pioneering national service.

H.C.R. 38. House concurrent resolution recognizing the importance of the Black Lives Matter Movement in the U.S. and Vermont Black communities.

In the adoption of which the concurrence of the Senate is requested.

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 81.

By Senators Pearson, Ayer, Clarkson, Ingram, Lyons, MacDonald and Pollina,

An act relating to an occupancy fee.

To the Committee on Economic Development, Housing and General Affairs.

Bill Referred

House bill of the following title was read the first time and referred:

H. 14.

An act relating to automated external defibrillators.

To the Committee on Judiciary.

Bill Passed in Concurrence with Proposal of Amendment**H. 125.**

House bill of the following title was read the third time and passed in concurrence with proposal of amendment:

An act relating to fiscal year 2017 budget adjustments.

Bill Amended; Third Reading Ordered**S. 10.**

Senator Campion, for the Committee on Natural Resources and Energy, to which was referred Senate bill entitled:

An act relating to liability for the contamination of potable water supplies.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 6615e is added to read:

§ 6615e. RELIEF FOR CONTAMINATED POTABLE WATER SUPPLIES

(a) Definitions. As used in this section:

(1) “Public water system” means any system or combination of systems owned or controlled by a person that provides drinking water through pipes or other constructed conveyances to the public and that has at least 15 service connections or serves an average of at least 25 individuals daily for at least 60 days out of the year. A “public water system” includes all collection, treatment, storage, and distribution facilities under the control of the water supplier and used primarily in connection with the system, and any collection or pretreatment storage facilities not under the control of the water supplier that are used primarily in connection with the system. “Public water system” shall also mean any part of a system that does not provide drinking water, if use of such a part could affect the quality or quantity of the drinking water supplied by the system. “Public water system” shall also mean a system that bottles drinking water for public distribution and sale.

(2) “Public community water system” means a public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

(b) Extension of public community water system. In addition to a response action required under section 6615 or 6615b of this title, any person who the Secretary has determined released perfluorooctanoic acid into the air, groundwater, surface water, or onto the land shall be strictly, jointly, and severally liable for the costs of extending the water supply of a public water system to a property when:

(1) the property is served by a potable water supply regulated under chapter 64 of this title;

(2) the Secretary has determined that the potable water supply on the property:

(A) is a failed supply under chapter 64 of this title due to perfluorooctanoic acid contamination; or

(B) is likely to be contaminated by perfluorooctanoic acid due to the proximity of the public water supply to other public water supplies contaminated by perfluorooctanoic acid or due to other relevant factors; and

(3) the person the Secretary determined released perfluorooctanoic acid into the air, groundwater, surface water, or onto the land is the cause of or contributor to the perfluorooctanoic acid contamination or likely contamination of the potable water supply.

(c) Liability payment. A person liable under subsection (b) of this section for the extension of the water supply of a public water system shall pay the operator of the public water system for the extension of the water supply within 30 days of notification of liability by the Secretary or within an alternate time frame ordered by the Secretary. If the person liable for the extension of the water supply does not pay the operator within the required time frame, the person shall be liable for interest on the assessed cost of the extension of the water supply.

(d) Appeal standard. Notwithstanding subsection 8504(h) of this title, the Environmental Division of the Superior Court shall review an appeal of a decision of the Secretary under this section on the record pursuant to Rule 74 of the Vermont Rules of Civil Procedure. Prior to issuing a final liability determination under subsection (b) of this section, the Secretary shall post a proposed liability determination to the website of the Agency of Natural Resources for public notice and written comment for 30 days. In developing the record of a decision under this section, the Secretary shall provide any person an opportunity to supplement the record of the liability determination.

Sec. 2. APPLICATION OF LIABILITY

(a) This act shall apply to any determination of liability made by the Secretary of Natural Resources under 10 V.S.A. § 6615e after the effective date of the act.

(b) Notwithstanding any contrary provision of 1 V.S.A. § 214, this act shall apply to any relevant release of perfluorooctanoic acid regardless of the date of the relevant release, including releases that occurred prior to the effective date of this act.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Bill Amended; Third Reading Ordered**S. 18.**

Senator Benning, for the Committee on Education, to which was referred Senate bill entitled:

An act relating to freedom of expression for students.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 16 V.S.A. chapter 42 is added to read:

CHAPTER 42. STUDENT RIGHTS**§ 1623. FREEDOM OF EXPRESSION****(a) Findings.**

(1) The General Assembly finds that freedom of expression and freedom of the press are fundamental principles in our democratic society granted to every citizen of the nation by the First Amendment to the U.S. Constitution and to every resident of this State by Vt. Const. Ch. I, Art. 13.

(2) These freedoms provide all citizens, including students, with the right to engage in robust and uninhibited discussion of issues.

(3) The General Assembly intends to ensure free speech and free press protections for both public school students and students at institutions of

higher education in this State in order to encourage students to become educated, informed, and responsible members of society.

(b) Definitions. As used in this chapter:

(1) “Media adviser” means an individual employed, appointed, or designated by a school or its governing body to supervise or provide instruction relating to school-sponsored media.

(2) “School” means a public school operating in the State.

(3) “School-sponsored media” means any material that is prepared, written, published, or broadcast as part of a school-supported program or activity by a student journalist and is distributed or generally made available as part of a school-supported program or activity to an audience beyond the classroom in which the material is produced.

(4) “Student journalist” means a student enrolled at a school who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(5) “Student supervisor” is a student who is responsible for editing school-sponsored media.

(c)(1) Subject to subsection (e) of this section, a student journalist may exercise freedom of speech and freedom of the press in school-sponsored media.

(2) Subdivision (1) of this subsection shall not be construed to be limited by the fact that the school-sponsored media are:

(A) supported financially by a school or its governing body, or by use of facilities owned by the school; or

(B) produced in conjunction with a class in which the student journalist is enrolled.

(d)(1) Subject to subsection (e) of this section, the student supervisors of school-sponsored media are responsible for determining the content of their respective media.

(2) Subject to subdivision (1) of this subsection, a media adviser may teach professional standards of English and journalism to student journalists.

(e) This section shall not be construed to authorize or protect content of school-sponsored media that:

(1) is libelous or slanderous;

(2) constitutes an unwarranted invasion of privacy;

(3) may be defined as obscene, gratuitously profane, threatening, or intimidating;

(4) may be defined as harassment, hazing, or bullying under section 11 of this title;

(5) violates federal or State law; or

(6) creates the imminent danger of materially or substantially disrupting the ability of the school to perform its educational mission.

(f) A school is prohibited from subjecting school-sponsored media, other than that listed in subsection (e) of this section, to prior restraint. A school may restrain the distribution of content in student media described in subsection (e), provided that the school's administration shall have the burden of providing lawful justification without undue delay. Content shall not be suppressed solely because it involves political or controversial subject matter, or is critical of the school or its administration.

(g) A student journalist may not be disciplined for acting in accordance with this section.

(h) A media adviser may not be dismissed, suspended, disciplined, reassigned, or transferred for:

(1) taking reasonable and appropriate action to protect a student journalist for engaging in conduct protected by this section; or

(2) refusing to infringe on conduct that is protected by this section, by the first amendment to the U.S. Constitution, or by the Vermont Constitution.

(i) Each school or its governing body shall adopt a written policy consistent with the provisions of this section.

(j) No expression made by students in school-sponsored media shall be deemed to be an expression of school policy.

Sec. 2. 16 V.S.A. § 180 is added to read:

§ 180. STUDENT RIGHTS—FREEDOM OF EXPRESSION

(a) Findings.

(1) The General Assembly finds that freedom of expression and freedom of the press are fundamental principles in our democratic society granted to every citizen of the nation by the First Amendment to the U.S. Constitution and to every resident of this State by Vt. Const. Ch. I, Art. 13.

(2) These freedoms provide all citizens, including students, with the right to engage in robust and uninhibited discussion of issues.

(3) The General Assembly intends to ensure free speech and free press protections for both public school students and students at institutions of higher education in this State in order to encourage students to become educated, informed, and responsible members of society.

(b) Definitions. As used in this chapter:

(1) "Media adviser" means an individual employed, appointed, or designated by a school or its governing body to supervise or provide instruction relating to school-sponsored media.

(2) "School" means a public postsecondary school operating in the State.

(3) "School-sponsored media" means any material that is prepared, written, published, or broadcast as part of a school-supported program or activity by a student journalist and is distributed or generally made available as part of a school-supported program or activity to an audience beyond the classroom in which the material is produced.

(4) "Student journalist" means a student enrolled at a school who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(5) "Student supervisor" is a student who is responsible for editing school-sponsored media.

(c)(1) Subject to subsection (e) of this section, a student journalist may exercise freedom of speech and freedom of the press in school-sponsored media.

(2) Subdivision (1) of this subsection shall not be construed to be limited by the fact that the school-sponsored media are:

(A) supported financially by a school or its governing body, or by use of facilities owned by the school; or

(B) produced in conjunction with a class in which the student journalist is enrolled.

(d)(1) Subject to subsection (e) of this section, the student supervisors of school-sponsored media are responsible for determining the content of their respective media.

(2) Subject to subdivision (1) of this subsection, a media adviser may teach professional standards of English and journalism to student journalists.

(e) This section shall not be construed to authorize or protect content of school-sponsored media that:

(1) is libelous or slanderous;

(2) constitutes an unwarranted invasion of privacy;

(3) may be defined as obscene, gratuitously profane, threatening, or intimidating;

(4) may be defined as harassment, hazing, or bullying under section 11 of this title;

(5) violates federal or State law; or

(6) creates the imminent danger of materially or substantially disrupting the ability of the school to perform its educational mission.

(f) Absent a showing that a particular publication will cause direct, immediate, and irreparable harm that would warrant the issuance of a prior restraint order against the private media, school officials are not authorized to censor or subject to prior restraint the content of schoolsponsored media. Content shall not be suppressed solely because it involves political or controversial subject matter, or is critical of the school or its administration.

(g) A student journalist may not be disciplined for acting in accordance with this section.

(h) A media adviser may not be dismissed, suspended, disciplined, reassigned, or transferred for:

(1) taking reasonable and appropriate action to protect a student journalist for engaging in conduct protected by this section; or

(2) refusing to infringe on conduct that is protected by this section, by the first amendment to the U.S. Constitution, or by the Vermont Constitution.

(i) Each school or its governing body shall adopt a written policy consistent with the provisions of this section.

(j) No expression made by students in school-sponsored media shall be deemed to be an expression of school policy.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the bill be amended as recommended by the Committee on Education?, Senator Benning moved to amend the recommendation of the Committee on Education as follows:

First: In Sec. 1, in 16 V.S.A. § 1623, in subdivision (a)(3), by inserting the word public before the word “institutions”

Second: In Sec. 2, in 16 V.S.A. § 180, in subdivision (a)(3), by inserting the word public before the word “institutions”

Which was agreed to.

Thereupon, the recommendation of amendment of the Committee on Education, as amended, was agreed to and third reading of the bill was ordered.

Senate Resolution Adopted

S.R. 6.

Senate resolution entitled:

Senate resolution disapproving of Executive Order 05-17.

Having been placed on the Calendar for action, was taken up and adopted.

Third Reading Ordered

S. 33.

Senator Branagan, for the Committee on Agriculture, to which was referred Senate bill entitled:

An act relating to the Rozo McLaughlin Farm-to-School Program.

Reported that the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Third Reading Ordered

S. 60.

Senator Clarkson, for the Committee on Economic Development, Housing and General Affairs, to which was referred Senate bill entitled:

An act relating to the repeal of 21 V.S.A. § 6.

Reported that the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having

requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Reps. Frenier and others,

H.C.R. 31.

House concurrent resolution in memory of Marion Pritchard.

By Reps Krowinski and others,

By Senators Clarkson and Lyons,

H.C.R. 32.

House concurrent resolution designating February 3, 2017 as Wear Red Day at the State House.

By Rep. Sullivan,

By Senators Campion and Sears,

H.C.R. 33.

House concurrent resolution honoring Bonnie and Timothy Burke for their outstanding work at Wilson House in East Dorset.

By All Members of the House,

H.C.R. 34.

House concurrent resolution designating February 8, 2017 as Farm to School Awareness Day at the State House.

By Reps. Fagan and others,

By Senators Ashe, Ayer, Balint, Baruth, Benning, Branagan, Bray, Brooks, Campion, Clarkson, Collamore, Cummings, Degree, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, and White,

H.C.R. 36.

House concurrent resolution congratulating the 2016 Eagle class of Green Mountain Council Boy Scouts.

By Reps. Morrissey and others,

By Senators Campion and Sears,

H.C.R. 37.

House concurrent resolution honoring Nathaniel A. Boone of Winhall for his pioneering national service.

By Reps. Christie and others,

By Senators Brooks, Balint, Baruth, Campion, Clarkson, and Pollina,

H.C.R. 38.

House concurrent resolution recognizing the importance of the Black Lives Matter Movement in the U.S. and Vermont Black communities.

Adjournment

On motion of Senator Ashe, the Senate adjourned, to reconvene on Tuesday, February 14, 2017, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 15.

TUESDAY, FEBRUARY 14, 2017

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Joint Senate Resolution Adopted on the Part of the Senate

J.R.S. 16.

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senator Ashe,

J.R.S. 16. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 17, 2017, it be to meet again no later than Tuesday, February 21, 2017.

Joint Resolution Referred

J.R.S. 17.

Joint Senate resolution of the following title was offered, read the first time and is as follows:

By Senators Pearson, Ayer, Benning, Clarkson, Sirotkin, and White,

J.R.S. 17. Joint resolution rescinding the General Assembly's request, contained in 2014 Acts and Resolves No. R-454, for Congress to convene a U.S. Constitutional Convention.

Whereas, during the 2013–2014 Biennium, the General Assembly adopted 2014 Acts and Resolves No. R-454, “Joint resolution relating to an application of the General Assembly for Congress to call a convention for proposing amendments to the U.S. Constitution,” and

Whereas, the specific purpose of this resolution was to help establish a mandate, in accordance with the provisions of Article V of the U.S. Constitution, for Congress to call a convention to amend the U.S. Constitution for the exclusive purpose of reversing the U.S. Supreme Court decision in *Citizens United v Federal Election Commission*, 130 S.Ct. 876 (2010), and

Whereas, supporters of 2014 Acts and Resolves No. R-454 may not favor other amendments that have also been proposed for a constitutional convention’s consideration, and

Whereas, the specific agenda for a prospective constitutional convention called in accordance with the provisions of Article V remains uncertain, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly rescinds its call, contained in 2014 Acts and Resolves No. R-454, for Congress to convene a U.S. Constitutional Convention, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the vice president of the United States; the president pro tempore and the secretary of the Senate of the United States; the Speaker and Clerk of the House of Representatives of the United States; the archivist of the United States; and the Vermont Congressional Delegation.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Judiciary.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 82.

By Senators Sirotkin, Cummings, Ayer, Balint, Clarkson, Ingram and Pearson,

An act relating to paid family leave.

To the Committee on Economic Development, Housing and General Affairs.

S. 83.

By Senators Ingram, Baruth, Brooks, McCormack and Pollina,
An act relating to Indigenous Peoples' Day.

To the Committee on Government Operations.

Bills Passed

Senate bills of the following titles were severally read the third time and passed:

S. 10. An act relating to liability for the contamination of potable water supplies.

S. 18. An act relating to freedom of expression for students.

S. 33. An act relating to the Rozo McLaughlin Farm-to-School Program.

S. 60. An act relating to the repeal of 21 V.S.A. § 6.

Third Reading Ordered

S. 38.

Senator Collamore, for the Committee on Government Operations, to which was referred Senate bill entitled:

An act relating to the Government Accountability Committee and the State Outcomes Report.

Reported that the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Bill Amended; Third Reading Ordered

S. 13.

Senator Ayer, for the Committee on Government Operations, to which was referred Senate bill entitled:

An act relating to fees and costs allowed at a tax sale.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 32 V.S.A. § 5258 is amended to read:

§ 5258. FEES AND COSTS ALLOWED AFTER WARRANT AND LEVY RECORDED

(a) The fees and costs allowed after the warrant and levy for delinquent taxes have been recorded shall be as follows:

(1) ~~Levy~~ levy and extending of warrant, \$10.00;

(2) recording levy and extending of warrant in the town clerk's office, \$10.00, to be paid to the town clerk;

(3) notices and publication of ~~notice~~ notices, actual costs incurred; ~~and~~

(4) expenses actually and reasonably incurred by the town in securing a property for which property taxes are delinquent against illegal activity and fire hazards, to be paid to the town clerk, provided that the expenses shall not exceed 20 percent of the uncollected tax;

(5) when authorized by the selectboard, expenses actually and reasonably incurred by the tax collector for legal assistance in the preparation for or conduct of said a tax sale ~~when authorized by the selectboard~~, provided that ~~such~~ the expenses shall not exceed 15 percent of the uncollected tax;

(6) travel; reimbursement at the rate established by the contract governing State employees;

(7) attending and holding the sale, \$10.00;

(8) making return ~~\$10.00~~ and recording ~~same~~ the return in the town clerk's office, \$10.00, to be paid to the town clerk ~~\$10.00~~;

(9) collector's deed, \$30.00;

(b) ~~which~~ the fees and costs allowed in subsection (a) of this section, together with ~~the~~ a collector's fee of up to eight percent, shall be in lieu of ~~any~~ ~~or~~ all other fees and costs ~~permitted or allowed by law.~~

Sec. 2. 32 V.S.A. § 5252 is amended to read:

§ 5252. LEVY AND NOTICE OF SALE; SECURING PROPERTY

(a) When the collector of taxes of a town or of a municipality within it has for collection a tax assessed against real estate in the town and the taxpayer is delinquent, the collector may extend a warrant on such land. If a collector receives notice from a mobile home park owner pursuant to 10 V.S.A. § 6248(c), the collector shall, within 15 days of the notice, commence tax sale proceedings to hold a tax sale within 60 days of the notice. If the collector fails to initiate such proceedings, the town may initiate tax sale proceedings

only after complying with 10 V.S.A. § 6249(f). If the tax collector extends the warrant, the collector shall:

* * *

(5) Post a notice of such sale in some public place in the town.

(b) If the warrant and levy for delinquent taxes has been recorded pursuant to subsection (a) of this section, the municipality in which the real estate lies may secure the property against illegal activity and potential fire hazards after giving the mortgagee or lien holder of record written notice at least 10 days prior to such action.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

House Concurrent Resolution Adopted in Concurrence with Proposal of Amendment

H.C.R. 35.

House Concurrent Resolution entitled:

House concurrent resolution commemorating the 240th anniversary of the Battle of Hubbardton.

Was taken up.

Thereupon, pending adoption of the concurrent resolution Senators Campion and Sears moved that the Senate propose to the House to amend the resolution by striking out the last Whereas clause (the 8th) in its entirety and at the end of the 7th Whereas clause by striking out the word "and" and inserting in lieu thereof the words now therefore be it

Which was agreed to.

Thereupon, the concurrent resolution was adopted in concurrence with proposal of amendment.

Appointments Confirmed

The following Gubernatorial appointments were confirmed separately by the Senate, upon full reports given by the Committees to which they were referred:

The nomination of

Buckley, Katherine of Guilford - Commissioner, Department of Housing and Community Development - January 5, 2017, to February 28, 2017.

Buckley, Katherine of Guilford - Commissioner, Department of Housing and Community Development - March 1, 2017, to February 28, 2019.

Were collectively confirmed by the Senate.

The nomination of

Schirling, Michael of Burlington - Secretary, Commerce and Community Development, Agency of - January 5, 2017, to February 28, 2017.

Was confirmed by the Senate.

The nomination of

Schirling, Michael of Burlington - Secretary, Agency of Commerce and Community Development - March 1, 2017, to February 28, 2019.

Was confirmed by the Senate on a roll call Yeas 29, Nays 0.

Senator Sears having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Benning, Branagan, Bray, Brooks, Campion, Clarkson, Collamore, Cummings, Degree, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pearson, Pollina, Rodgers, Sears, Starr, Westman, White.

Those Senators who voted in the negative were: None.

The Senator absent and not voting was: Sirotkin.

The nomination of

Kurrle, Lindsay of Middlesex - Commissioner, Department of Labor - January 5, 2017, to February 28, 2017.

Kurrle, Lindsay of Middlesex - Commissioner, Department of Labor - March 1, 2017, to February 28, 2019.

Were collectively confirmed by the Senate.

Committee Relieved of Further Consideration; Bill Committed

S. 19.

On motion of Senator Ayer, the Committee on Health and Welfare was relieved of further consideration of Senate bill entitled:

An act relating to preserving the out-of-pocket limit for prescription drugs in bronze-level Exchange plans,

and the bill was committed to the Committee on Finance.

Message from the House No. 19

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 143. An act relating to automobile insurance requirements and transportation network companies.

In the passage of which the concurrence of the Senate is requested.

Adjournment

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Wednesday, February 15, 2017.

WEDNESDAY, FEBRUARY 15, 2017

In the absence of the President (who was Acting Governor in the absence of the Governor) the Senate was called to order by the President *pro tempore*.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Joint Resolution Referred

J.R.S. 18.

Joint Senate resolution of the following title was offered, read the first time and is as follows:

By Senators Cummings, Campion, Lyons, MacDonald, and Sirotkin,

J.R.S. 18. Joint resolution in support of combating the rise in hate crimes and bigotry.

Whereas, since November 2016, there has been an increase in hate crimes throughout the nation, and

Whereas, according to the Southern Poverty Law Center, during the ten days following the election, there were nearly 900 reports of harassment and intimidation from throughout the country, and

Whereas, Vermonters are in a unique position to lead the country in fighting bigotry and hatred, and

Whereas, members of the lesbian, gay, bisexual, transgender, and queer or questioning (LGBTQ) community are concerned that rights and protections won over the years may be lost, and

Whereas, these concerns are focused on the atmosphere of hate, which the LGBTQ community fears may result in physical danger for them and members of other marginalized communities, and

Whereas, a particular concern of the LGBTQ community is that silence will allow bigotry to take root in Vermont, and

Whereas, the LGBTQ community is hopeful that Vermonter's history of rejecting extremists and meeting the challenges of hate and bigotry with love and fierce resistance will continue to prevail, and

Whereas, the General Assembly is in strong accord with these sentiments, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly calls upon Vermonters to denounce hatred and to support and respect marginalized communities, *and be it further*

Resolved: That the General Assembly will protect and preserve laws that foster equality among all persons, *and be it further*

Resolved: That taking the actions addressed in this resolution upholds the proud Vermont tradition of Freedom and Unity, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to Outright Vermont, the Pride Center of Vermont, Green Mountain Crossroads, and the Rainbow Umbrella of Central Vermont.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Judiciary.

Joint Resolution Referred

J.R.S. 19.

Joint Senate resolution of the following title was offered, read the first time and is as follows:

By Senators Mullin, Lyons, Pearson, and Sears,

J.R.S. 19. Joint resolution relating to prescription drug pricing.

Whereas, in the United States, drug manufacturers are allowed to discriminate in drug pricing, and

Whereas, drug prices in the aggregate in the United States are among the highest in the world, and

Whereas, prescription drug spending is rising faster than any other health expenditure, and

Whereas, providing for affordable access to medically necessary prescription drugs will lower health care costs, and

Whereas, pharmaceutical companies benefit from public tax dollars appropriated to the National Institutes of Health and other government agencies to pay for a substantial portion of all new prescription drug research, and

Whereas, the cost of prescription drugs remains unaffordable for a large number of Vermonters, and

Whereas, among the persons who are most reliant on prescription drugs are Vermont's senior citizens, individuals with disabilities, and individuals with chronic diseases, and

Whereas, many citizens are reluctantly adopting unhealthy and potentially dangerous practices of reducing their physicians' prescribed prescription drug dosages; others are traveling to Canada to obtain their prescription drugs for a lower cost, and

Whereas, pharmaceutical companies spend, on average, twice as much on advertising and marketing as they do on research and development, and

Whereas, one of the significant factors contributing to the increasing costs of prescription drugs is the growth of direct consumer promotional campaigns sponsored by the nation's pharmaceutical companies through print, broadcast, and Internet media, and

Whereas, pursuant to 21 U.S.C. § 321(n), the Food and Drug Administration is responsible for regulating the promotional activities associated with prescription drugs, and

Whereas, the brief summaries of information relating to possible side-effects, contraindications, and effectiveness in advertisements is often overshadowed by the attractive and promotional character of the advertisement that has the potential to lure a lay person into accepting the positive claims and ignoring the less prominently promoted and possibly dangerous side-effects, and

Whereas, the Food and Drug Administration has established criteria at 21 C.F.R. § 202.1 for direct consumer advertising, including broadcasting of prescription drugs, and

Whereas, even if adhering to the regulatory requirements, prescription drug advertising may be misleading by not adequately communicating risk information, and may damage physician-patient relationships, increase prescription drug prices, increase liability actions, and lead to overmedication and drug abuse, and

Whereas, the Food and Drug Administration has repeatedly reprimanded drug companies for false or misleading advertising of prescription drugs, and

Whereas, in more recent years, the presence of online drug advertising has only intensified the problems, and

Whereas, with the change of leadership at the Food and Drug Administration, and many years of nearly limitless and viewer attractive television and now online advertisements inducing unknowing consumers to purchase potentially harmful prescription drugs, the time to rein in direct advertising of prescription drugs to consumers has clearly arrived, and

Whereas, an important price reduction option for both private consumers and state governments has been an increasing reliance on generic drugs which cost considerably less than their brand-name counterparts, but provide equivalent medicinal benefit, and

Whereas, a major impediment to the introduction of new generic drugs is a controversial patent infringement federal statutory provision, 21 U.S.C. § 355(j)(5)(B)(iii), that Congress adopted in 1984 as part of the HatchWaxman Act, providing that a pharmaceutical company holding the patent on a brand-name drug can file a complaint with the FDA triggering an automatic 30-month Food and Drug Administration-imposed delay in a generic drug's introduction, unless a court rules the brand-name patent is invalid or not infringed, and

Whereas, anticompetitive "pay-for-delay" agreements between branded and generic drug companies delay consumer access to generic drugs, and

Whereas, Medicare Part D prescription drug plans would be unaffordable for many Vermonters without Vermont's State wrap-around program called "VPharm," and

Whereas, the federal government does not negotiate for rebates and discounts in the Medicare Part D program, and

Whereas, state Medicaid programs have greatly reduced drug prices in the Medicaid program by negotiating with pharmaceutical companies for reduced prices through rebates and discounts, and

Whereas, Medicare Part D is funded, in part, through payments from the states to the federal government, commonly known as the "clawback," and

Whereas, many senior citizens and individuals with disabilities on Medicare Part D, as well as states, would benefit from negotiated, reduced prices in the Medicare Part D program, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly calls upon our Congressional Delegation immediately to propose and seek passage of legislation that will:

1) Require any pharmaceutical company that receives or benefits from any federal funding for pharmaceutical research and development to amortize all of the company's research and development costs over the entire world market for prescription drugs;

2) Amend 21 U.S.C. § 381 and other related federal statutes so as to allow for the free trade of prescription drugs between Canada and the United States;

3) Restrain the huge expenditures by pharmaceutical companies on advertising and marketing;

4) Repeal 21 U.S.C. § 355(j)(5)(B)(iii) that delays the introduction of generic drugs to the public marketplace and enact prohibitions on pay-for-delay settlements between branded and generic drug manufacturers, and

5) Allow the Centers for Medicare and Medicaid to negotiate with pharmaceutical companies for rebates and discounts in the Medicare Part D program, *and be it further*

Resolved: That the General Assembly urges the federal Food and Drug Administration to institute a moratorium on the promotion of prescription drugs directly to consumers, and that during the moratorium, the Food and Drug Administration promulgate more effective regulations to address prescription drug advertisements directed at consumers, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to President Donald Trump, to the Acting Food and Drug Administration Commissioner, Dr. Stephen Ostroff, and to the Vermont Congressional Delegation.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Health and Welfare.

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 84.

By Senator Campion,

An act relating to motor vehicle emissions.

To the Committee on Transportation.

Bill Referred

House bill of the following title was read the first time and referred:

H. 143.

An act relating to automobile insurance requirements and transportation network companies.

To the Committee on Judiciary.

Bills Passed

Senate bills of the following titles were severally read the third time and passed:

S. 13. An act relating to fees and costs allowed at a tax sale.

S. 38. An act relating to the Government Accountability Committee and the State Outcomes Report.

Bill Amended; Third Reading Ordered**S. 12.**

Senator Sears, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to increasing the maximum prison sentence for first, second, and subsequent offenses of aggravated animal cruelty.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. chapter 8 is amended to read:

CHAPTER 8. HUMANE AND PROPER TREATMENT OF ANIMALS**Subchapter 1. Cruelty to Animals**

* * *

§ 352a. AGGRAVATED CRUELTY TO ANIMALS

A person commits the crime of aggravated cruelty to animals if the person:

(1) kills an animal by intentionally causing the animal undue pain or suffering;

(2) intentionally, maliciously, and without just cause tortures, mutilates, or cruelly beats an animal; or

(3) intentionally injures or kills an animal that is in the performance of official duties while under the supervision of a law enforcement officer.

§ 353. DEGREE OF OFFENSE; SENTENCING UPON CONVICTION

(a) Penalties.

(1) Except as provided in subdivision (3) or (4) of this subsection, cruelty to animals under section 352 of this title shall be punishable by a sentence of imprisonment of not more than one year, or a fine of not more than \$2,000.00, or both. Second and subsequent convictions shall be punishable by a sentence of imprisonment of not more than two years or a fine of not more than \$5,000.00, or both.

(2) Aggravated cruelty under section 352a of this title shall be punishable by a sentence of imprisonment of not more than ~~three~~ five years or a fine of not more than \$5,000.00, or both. Second and subsequent offenses shall be punishable by a sentence of imprisonment of not more than ~~five~~ ten years or a fine of not more than \$7,500.00, or both.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Bill Amended; Third Reading Ordered

S. 23.

Senator Sears, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to juvenile jurisdiction.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 5401 is amended to read:

§ 5401. DEFINITIONS

As used in this subchapter:

* * *

(15)(A) “Conviction” means a judgment of guilt following a verdict or finding of guilt, a plea of guilty, a plea of nolo contendere, an Alford Plea, or a judgment of guilt pursuant to a deferred sentence. A sex offender whose sentence is deferred shall have no duty to register after successful completion of the terms of the deferred sentence agreement for the duration specified in the agreement.

(B) A sex offender treated as a youthful offender pursuant to 33 V.S.A. chapter 52A shall have no duty to register unless the offender’s youthful offender status is revoked and he or she is sentenced for the offense in the Criminal Division of Superior Court.

* * *

Sec. 2. 28 V.S.A. chapter 16 is added to read:

CHAPTER 16. YOUTHFUL OFFENDERS

§ 1161. POWERS AND RESPONSIBILITIES OF THE COMMISSIONER REGARDING SUPERVISION OF YOUTHFUL OFFENDERS

In accordance with 33 V.S.A. chapter 52A, the Commissioner shall be charged with the following powers and responsibilities regarding supervision of youthful offenders:

(1) consistent with 33 V.S.A. § 5284(d), to designate a case manager who, together with a case manager appointed by the Commissioner for Children and Families, will determine the lead Department to preside over the case plan and the provision of services to youths who are adjudicated as youthful offenders;

(2) together with the Commissioner for Children and Families, to maintain the general supervision of youths adjudicated as youthful offenders and placed on conditions of juvenile probation; and

(3) to supervise the administration of probation services and establish policies and standards regarding youthful offender probation investigation, supervision, case work, record keeping, and the qualification of probation officers working with youthful offenders.

§ 1162. METHODS OF SUPERVISION

(a) Electronic monitoring. The Commissioner may utilize an electronic monitoring system to supervise a youthful offender placed on juvenile probation.

(b) Graduated sanctions.

(1) If ordered by the court pursuant to a modification of a youthful offender disposition under 33 V.S.A. § 5285(c)(1), the Commissioner may

sanction the youthful offender in accordance with rules adopted pursuant to subdivision (2) of this subsection.

(2) The Department of Corrections shall adopt rules pursuant to 3 V.S.A. chapter 25 that establish graduated sanction guidelines for a youthful offender who violates the terms of his or her probation.

Sec. 3. 33 V.S.A. § 5102 is amended to read:

§ 5102. DEFINITIONS AND PROVISIONS OF GENERAL APPLICATION

As used in the juvenile judicial proceedings chapters, unless the context otherwise requires:

* * *

(2) “Child” means any of the following:

* * *

(C) An individual who has been alleged to have committed or has committed an act of delinquency after becoming 10 years of age and prior to becoming ~~18~~ 22 years of age; provided, however:

(i) that an individual who is alleged to have committed an act specified in subsection 5204(a) of this title after attaining ~~the age of 10~~ 12 years of age but not ~~the age of 14~~ years of age may be treated as an adult as provided therein;

* * *

(9) “Delinquent act” means an act designated a crime under the laws of this State, or of another state if the act occurred in another state, or under federal law. A delinquent act shall include 7 V.S.A. §§ ~~656 and 657~~ § 656; however, it shall not include:

(A) snowmobile offenses in 23 V.S.A. chapter 29, subchapter 1 and motorboat offenses in 23 V.S.A. chapter 29, subchapter 2, except for violations of sections 3207a, 3207b, 3207c, 3207d, and 3323;

(B) pursuant to 4 V.S.A. § 33(b), felony motor vehicle offenses committed by an individual who is ~~at least~~ 16 years of age or older, except for violations of 23 V.S.A. chapter 13, subchapter 13 and of 23 V.S.A. § 1091.

* * *

(22) “Party” includes the following persons:

(A) the child with respect to whom the proceedings are brought;

(B) the custodial parent, the guardian, or the custodian of the child in all instances except a hearing on the merits of a delinquency petition;

(C) the noncustodial parent for the purposes of custody, visitation, and such other issues ~~which~~ that the Court court may determine are proper and necessary to the proceedings, provided that the noncustodial parent has entered an appearance;

(D) the State's Attorney;

(E) the Commissioner for Children and Families;

(F) such other persons as appear to the ~~Court~~ court to be proper and necessary to the proceedings; and

(G) in youthful offender cases brought under 33 V.S.A. chapter 52A, the Commissioner of Corrections.

* * *

Sec. 4. 33 V.S.A. chapter 52A is added to read:

CHAPTER 52A. YOUTHFUL OFFENDERS

§ 5280. COMMENCEMENT OF YOUTHFUL OFFENDER PROCEEDINGS IN THE FAMILY DIVISION

(a) A proceeding under this chapter shall be commenced by:

(1) the filing of a youthful offender petition by a State's Attorney; or

(2) transfer to the Family Court of a proceeding from the Criminal Division of the Superior Court as provided in section 5281 of this title.

(b) A State's Attorney may commence a proceeding in the Family Division of the Superior Court concerning a child who is alleged to have committed an offense after attaining 16 years of age, but not 22 years of age that could otherwise be filed in the Criminal Division.

(c) If a State's Attorney files a petition under subdivision (a)(1) of this section, the case shall proceed as provided under subsection 5281(b) of this title.

§ 5281. MOTION IN CRIMINAL DIVISION OF SUPERIOR COURT

(a) A motion may be filed in the Criminal Division of the Superior Court requesting that a defendant under 22 years of age in a criminal proceeding who had attained 12 years of age but not 22 years of age at the time the offense is alleged to have been committed be treated as a youthful offender. The motion may be filed by the State's Attorney, the defendant, or the court on its own motion.

(b) Upon the filing of a motion under this section or the filing of a youthful offender petition pursuant to section 5280 of this title, the Family Division

shall hold a hearing pursuant to section 5283 of this title. Copies of all records relating to the case shall be forwarded to the Family Division. Conditions of release and any Department of Corrections supervision or custody shall remain in effect until the Family Division accepts the case for treatment as a youthful offender and orders conditions of juvenile probation pursuant to section 5284 of this title, or the case is otherwise concluded.

(c)(1) If the Family Division rejects the case for youthful offender treatment pursuant to subsection 5284 of this title, the case shall be transferred to the Criminal Division. The conditions of release imposed by the Criminal Division shall remain in effect, and the case shall proceed as though the motion for youthful offender treatment or youthful offender petition had not been filed.

(2) Subject to Rule 11 of the Vermont Rules of Criminal Procedure and Rule 410 of the Vermont Rules of Evidence, the Family Division's denial of the motion for youthful offender treatment and any information related to the youthful offender proceeding shall be inadmissible against the youth for any purpose in the subsequent Criminal Division proceeding.

(d) If the Family Division accepts the case for youthful offender treatment, the case shall proceed to a confidential merits hearing or admission pursuant to sections 5227-5229 of this title.

§ 5282. REPORT FROM THE DEPARTMENT

(a) Within 30 days after the case is transferred to the Family Division or a youthful offender petition is filed in the Family Division, unless the court extends the period for good cause shown, the Department for Children and Families shall file a report with the Family Division of the Superior Court.

(b) A report filed pursuant to this section shall include the following elements:

(1) a recommendation as to whether youthful offender status is appropriate for the youth;

(2) a disposition case plan including proposed services and proposed conditions of juvenile probation in the event youthful offender status is approved and the youth is adjudicated;

(3) a description of the services that may be available for the youth when he or she reaches 18 years of age.

(c) A report filed pursuant to this section is privileged and shall not be disclosed to any person other than the Department, the Court, the State's Attorney, the youth, the youth's attorney, the youth's guardian ad litem, the Department of Corrections, or any other person when the Court determines that

the best interests of the youth would make such a disclosure desirable or helpful.

§ 5283. HEARING IN FAMILY DIVISION

(a) Timeline. A youthful offender status hearing shall be held no later than 35 days after the transfer of the case from the Criminal Division or filing of a youthful offender petition in the Family Division.

(b) Notice. Notice of the hearing shall be provided to the State's Attorney; the youth; the youth's parent, guardian, or custodian; the Department; and the Department of Corrections.

(c) Hearing procedure.

(1) If the motion is contested, all parties shall have the right to present evidence and examine witnesses. Hearsay may be admitted and may be relied on to the extent of its probative value. If reports are admitted, the parties shall be afforded an opportunity to examine those persons making the reports, but sources of confidential information need not be disclosed.

(2) Hearings under subsection 5284(a) of this title shall be open to the public. All other youthful offender proceedings shall be confidential.

(d) Burden of proof. The burden of proof shall be on the moving party to prove by a preponderance of the evidence that a child should be granted youthful offender status. If the court makes the motion, the burden shall be on the youth.

(e) Further hearing. On its own motion or the motion of a party, the court may schedule a further hearing to obtain reports or other information necessary for the appropriate disposition of the case.

§ 5284. YOUTHFUL OFFENDER DETERMINATION AND DISPOSITION ORDER

(a) In a hearing on a motion for youthful offender status, the court shall first consider whether public safety will be protected by treating the youth as a youthful offender. If the court finds that public safety will not be protected by treating the youth as a youthful offender, the court shall deny the motion and transfer the case to the Criminal Division of the Superior Court pursuant to subsection 5281(d) of this title. If the court finds that public safety will be protected by treating the youth as a youthful offender, the court shall proceed to make a determination under subsection (b) of this section.

(b)(1) The court shall deny the motion if the court finds that:

(A) the youth is not amenable to treatment or rehabilitation as a youthful offender; or

(B) there are insufficient services in the juvenile court system and the Department for Children and Families and the Department of Corrections to meet the youth's treatment and rehabilitation needs.

(2) The court shall grant the motion if the court finds that:

(A) the youth is amenable to treatment or rehabilitation as a youthful offender; and

(B) there are sufficient services in the juvenile court system and the Department for Children and Families and the Department of Corrections to meet the youth's treatment and rehabilitation needs.

(c) If the court approves the motion for youthful offender treatment after an adjudication pursuant to subsection 5281(d) of this title, the court:

(1) shall approve a disposition case plan and impose conditions of juvenile probation on the youth; and

(2) may transfer legal custody of the youth to a parent, relative, person with a significant relationship with the youth, or Commissioner, provided that any transfer of custody shall expire on the youth's 18th birthday.

(d) The Department for Children and Families and the Department of Corrections shall be responsible for supervision of and providing services to the youth until he or she reaches 22 years of age. Both Departments shall designate a case manager who together shall appoint a lead Department to have final decision-making authority over the case plan and the provision of services to the youth. The youth shall be eligible for appropriate community-based programming and services provided by both Departments.

§ 5285. MODIFICATION OR REVOCATION OF DISPOSITION

(a) If it appears that the youth has violated the terms of juvenile probation ordered by the court pursuant to subdivision 5284(c)(1) of this title, a motion for modification or revocation of youthful offender status may be filed in the Family Division of the Superior Court. The court shall set the motion for hearing as soon as practicable. The hearing may be joined with a hearing on a violation of conditions of probation under section 5265 of this title. A supervising juvenile or adult probation officer may detain in an adult facility a youthful offender who has attained 18 years of age for violating conditions of probation.

(b) A hearing under this section shall be held in accordance with section 5268 of this title.

(c) If the court finds after the hearing that the youth has violated the terms of his or her probation, the court may:

(1) maintain the youth's status as a youthful offender, with modified conditions of juvenile probation if the court deems it appropriate;

(2) revoke the youth's status as a youthful offender and transfer the case with a record of the petition, affidavit, adjudication, disposition, and revocation to the Criminal Division for sentencing; or

(3) transfer supervision of the youth to the Department of Corrections with all of the powers and authority of the Department and the Commissioner under Title 28, including graduated sanctions and electronic monitoring.

(d) If a youth's status as a youthful offender is revoked and the case is transferred to the Criminal Division pursuant to subdivision (c)(2) of this section, the court shall hold a sentencing hearing and impose sentence. When determining an appropriate sentence, the court may take into consideration the youth's degree of progress toward rehabilitation while on youthful offender status. The Criminal Division shall have access to all Family Division records of the proceeding.

§ 5286. REVIEW PRIOR TO 18 YEARS OF AGE

(a) If a youth is adjudicated as a youthful offender prior to reaching 18 years of age, the Family Division shall review the youth's case before he or she reaches 18 years of age and set a hearing to determine whether the court's jurisdiction over the youth should be continued past 18 years of age. The hearing may be joined with a motion to terminate youthful offender status under section 5285 of this title. The court shall provide notice and an opportunity to be heard at the hearing to the State's Attorney, the youth, the Department for Children and Families, and the Department of Corrections.

(b) After receiving a notice of review under this section, the State may file a motion to modify or revoke pursuant to section 5285 of this title. If such a motion is filed, it shall be consolidated with the review under this section and all options provided for under section 5285 of this title shall be available to the court.

(c) The following reports shall be filed with the court prior to the hearing:

(1) The Department for Children and Families and the Department of Corrections shall jointly report their recommendations, with supporting justifications, as to whether the Family Division should continue jurisdiction over the youth past 18 years of age and, if continued jurisdiction is recommended, propose a case plan for the youth to ensure compliance with and completion of the juvenile disposition.

(2) If the Departments recommend continued supervision of the youthful offender past 18 years of age, the Departments shall report on the services which would be available for the youth.

(d) If the court finds that it is in the best interest of the youth and consistent with community safety to continue the case past 18 years of age, it shall make an order continuing the court's jurisdiction up to 22 years of age. The Department for Children and Families and the Department of Corrections shall jointly develop a case plan for the youth and coordinate services and share information to ensure compliance with and completion of the juvenile disposition.

(e) If the court finds that it is not in the best interest of the youth to continue the case past 18 years of age, it shall terminate the disposition order, discharge the youth, and dismiss the case in accordance with subsection 5287(c) of this title.

§ 5287. TERMINATION OR CONTINUANCE OF PROBATION

(a) A motion may be filed at any time in the Family Division requesting that the court terminate the youth's status as a youthful offender and discharge him or her from probation. The motion may be filed by the State's Attorney, the youth, the Department, or the court on its own motion. The court shall set the motion for hearing and provide notice and an opportunity to be heard at the hearing to the State's Attorney, the youth, the Department for Children and Families and the Department of Corrections.

(b) In determining whether a youth has successfully completed the terms of probation, the Court shall consider:

(1) the degree to which the youth fulfilled the terms of the case plan and the probation order;

(2) the youth's performance during treatment;

(3) reports of treatment personnel; and

(4) any other relevant facts associated with the youth's behavior.

(c) If the court finds that the youth has successfully completed the terms of the probation order, it shall terminate youthful offender status, discharge the youth from probation, and file a written order dismissing the Family Division case. The Family Division shall provide notice of the dismissal to the Criminal Division, which shall dismiss the criminal case.

(d) Upon discharge and dismissal under subsection (c) of this section, all records relating to the case in the Criminal Division shall be expunged, and all records relating to the case in the Family Court shall be sealed pursuant to section 5119 of this title.

(e) If the court denies the motion to discharge the youth from probation, the court may extend or amend the probation order as it deems necessary.

§ 5288. RIGHTS OF VICTIMS IN YOUTHFUL OFFENDER
PROCEEDINGS

(a) The victim in a proceeding involving a youthful offender shall have the following rights:

(1) to be notified by the prosecutor in a timely manner when a court proceeding is scheduled to take place and when a court proceeding to which he or she has been notified will not take place as scheduled;

(2) to be present during all court proceedings subject to the provisions of Rule 615 of the Vermont Rules of Evidence and to express reasonably his or her views concerning the offense and the youth;

(3) to request notification by the agency having custody of the youth before the youth is released from a residential facility;

(4) to be notified by the prosecutor as to the final disposition of the case;

(5) to be notified by the prosecutor of the victim's rights under this section.

(b) In accordance with court rules, at a hearing on a motion for youthful offender treatment, the court shall ask if the victim is present and, if so, whether the victim would like to be heard regarding disposition. In ordering disposition, the court shall consider any views offered at the hearing by the victim. If the victim is not present, the court shall ask whether the victim has expressed, either orally or in writing, views regarding disposition and shall take those views into consideration in ordering disposition.

(c) No youthful offender proceeding shall be delayed or voided by reason of the failure to give the victim the required notice or the failure of the victim to appear.

(d) As used in this section, "victim" shall have the same meaning as in 13 V.S.A. § 5301(4).

Sec. 5. 33 V.S.A. § 5291 is amended to read:

§ 5291. DETENTION OR TREATMENT OF MINORS CHARGED AS
DELINQUENTS IN SECURE FACILITIES FOR THE
DETENTION OR TREATMENT OF DELINQUENT CHILDREN

~~(a) Unless ordered otherwise at or after a temporary care hearing, the Commissioner shall have sole authority to place the child who is in the custody of the Department in a secure facility for the detention or treatment of minors.~~

~~(b) Upon a finding at the temporary care hearing that no other suitable placement is available and the child presents a risk of injury to him or herself, to others, or to property, the Court may order that the child be placed in Prior~~

to disposition, the court shall have the sole authority to place a child who is in the custody of the Department in a secure facility used for the detention or treatment of delinquent children until the Commissioner determines that a suitable placement is available for the child. The court shall not order placement in a secure facility without a recommendation from the Department that placement in a secure facility is necessary. Alternatively, the Court may order that the child be placed in a secure facility used for the detention or treatment of delinquent children for up to seven days. Any order for placement at a secure facility shall expire at the end of the seventh day following its issuance unless, after hearing, the Court extends the order for a time period not to exceed seven days. The court order shall include a finding that no other suitable placement is available and the child presents a risk of injury to others or to property.

(b) Absent good cause shown and notwithstanding section 5227 of this title, when a child is placed in a secure facility pursuant to subsection (a) of this section and remains in a secure facility for 45 days following the preliminary hearing, the merits hearing shall be held and merits adjudicated within 45 days of the date of the preliminary hearing or the court shall dismiss the petition with prejudice. If merits have been found, the court shall review the secure facility placement order at the merits hearing.

(c) If a child is placed in a secure facility pursuant to subsection (a) of this section and secure facility placement continues following the merits hearing review pursuant to subsection (b) of this section, the court shall, within 35 days of the merits adjudication:

(1) hold the disposition hearing, or, if disposition is not held within 35 days;

(2) hold a hearing to review the continued secure facility placement.

(d) A child placed in a secure facility on an order pursuant to subsections (a), (b), or (c) of this section with a finding that no other suitable placement is available and the child presents a risk of harm to others or to property shall be entitled to an independent, second evidentiary hearing, which shall be a hearing de novo by a single justice of the Vermont Supreme Court. The Chief Justice may make an appointment or special assignment in accordance with 4 V.S.A. § 22 to conduct the de novo hearing required by this subsection. Unless the parties stipulate to the admission of portions of the trial court record, the de novo review shall be a new evidentiary hearing without regard to the record compiled before the trial court.

(e) Following disposition, the Commissioner shall have the sole authority to place a child who is in the custody of the Department in a secure facility for

the detention or treatment of delinquent children pursuant to the Department's administrative policies on admission.

Sec. 6. ADVISORY COMMITTEES; RULEMAKING

The Advisory Committee on Rules for Family Proceedings and the Advisory Committee on Rules of Criminal Procedure shall jointly review the youthful offender proceedings statutes and adopt procedural rules to make clear that a youth is waiving the right to trial by jury in cases where a youth is adjudicated in the Family Division pursuant to 33 V.S.A. §§ 5281, and 5227-5229, youthful offender status is revoked, and a criminal record of the petition, adjudication, disposition and revocation is sent to the Criminal Division pursuant to 33 V.S.A. §5285 for sentencing. The Committees shall hold their first joint meeting on or before July 1, 2017 and shall adopt rules on this topic and any other youthful offender topic as deemed appropriate by the committees effective no later than July 1, 2018.

Sec. 7. REPEALS

(a) 33 V.S.A. § 5104 (retention of jurisdiction over youthful offenders) is repealed on July 1, 2018.

(b) 33 V.S.A. § 5280 (commencement of youthful offender proceedings in the Family Division) is repealed on July 1, 2018.

(c) 33 V.S.A. § 5281 (motion in Criminal Division of Superior Court) is repealed on July 1, 2018.

(d) 33 V.S.A. § 5282 (report from the Department) is repealed on July 1, 2018.

(e) 33 V.S.A. § 5283 (hearing in Family Division) is repealed on July 1, 2018.

(f) 33 V.S.A. § 5284 (determination and order) is repealed on July 1, 2018.

(g) 33 V.S.A. § 5285 (modification or revocation of disposition) is repealed on July 1, 2018.

(h) 33 V.S.A. § 5286 (review prior to the age of 18) is repealed on July 1, 2018.

(i) 33 V.S.A. § 5287 (termination or continuance of probation) is repealed on July 1, 2018.

(j) 33 V.S.A. § 5288 (rights of victims in youthful offender proceedings) is repealed on July 1, 2018.

Sec. 8. EFFECTIVE DATES

This act shall take effect on July 1, 2017, except for Secs. 2 (powers and responsibilities of the Commissioner regarding youthful offenders), 4 (youthful

offenders), and 5 (detention or treatment of minors charged as delinquents in secure facilities for the detention or treatment of delinquent children) which shall take effect on July 1, 2018.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Bill Amended; Third Reading Ordered

S. 14.

Senator Ingram, for the Committee on Health and Welfare, to which was referred Senate bill entitled:

An act relating to expanding the Vermont Practitioner Recovery Network.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Podiatrists * * *

Sec. 1. 26 V.S.A. § 374 is amended to read:

§ 374. FEES; LICENSES

(a) Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for licensure, \$650.00; the Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety, which may result from:

(A) a mental condition;

(B) a physical illness or condition, including an illness or condition that adversely affects cognitive, motor, or perceptive skills; or

(C) a substance use disorder, including abuse and dependency on drugs or alcohol.

(2) Biennial renewal, \$525.00; the Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or

potentially have an impaired ability to practice medicine with reasonable skill and safety, which may result from:

(A) a mental condition;

(B) a physical illness or condition, including an illness or condition that adversely affects cognitive, motor, or perceptive skills; or

(C) a substance use disorder, including abuse and dependency on drugs or alcohol.

(b) As used in this section, “mental condition” means any psychiatric or emotional disorder that either falls within the diagnostic categories listed in the International Classification of Diseases and Related Health Problems (ICD) or is defined by the most recent Diagnostic and Statistical Manual of Mental Disorders (DSM).

* * * Physicians * * *

Sec. 2. 26 V.S.A. § 1401a is amended to read:

§ 1401a. FEES

(a) The Department of Health shall collect the following fees:

(1) Application for licensure, \$650.00; the Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety, which may result from:

(A) a mental condition;

(B) a physical illness or condition, including an illness or condition that adversely affects cognitive, motor, or perceptive skills; or

(C) a substance use disorder, including abuse and dependency on drugs or alcohol.

(2) Biennial renewal, \$525.00; the Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety, which may result from:

(A) a mental condition;

(B) a physical illness or condition, including an illness or condition that adversely affects cognitive, motor, or perceptive skills; or

(C) a substance use disorder, including abuse and dependency on drugs or alcohol.

(3) Initial limited temporary license; annual renewal \$75.00.

* * *

(c) As used in this section, “mental condition” means any psychiatric or emotional disorder that either falls within the diagnostic categories listed in the International Classification of Diseases and Related Health Problems (ICD) or is defined by the most recent Diagnostic and Statistical Manual of Mental Disorders (DSM).

* * * Anesthesiologist Assistants * * *

Sec. 3. 26 V.S.A. § 1662 is amended to read:

§ 1662. FEES

(a) Applicants and persons regulated under this chapter shall pay the following fees:

(1)(A)(i) Original application for certification, \$120.00;

(ii) Each additional application, \$55.00;

(B) The Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors ~~recovering chemically dependent licensees for the protection of the public~~ and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety, which may result from:

(i) a mental condition;

(ii) a physical illness or condition, including an illness or condition that adversely affects cognitive, motor, or perceptive skills; or

(iii) a substance use disorder, including abuse and dependency on drugs or alcohol.

(2)(A)(i) Biennial renewal, \$120.00;

(ii) Each additional renewal, \$55.00;

(B)(i) The Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors ~~recovering chemically dependent~~

~~licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety, which may result from:~~

(I) a mental condition;

(II) a physical illness or condition, including an illness or condition that adversely affects cognitive, motor, or perceptive skills; or

(III) a substance use disorder, including abuse and dependency on drugs or alcohol.

(ii) In addition to the fee, an applicant for certification renewal shall submit evidence in a manner acceptable to the Board that he or she continues to meet the certification requirements of the NCCAA.

(3) Transfer of certification, \$20.00.

(b) As used in this section, “mental condition” means any psychiatric or emotional disorder that either falls within the diagnostic categories listed in the International Classification of Diseases and Related Health Problems (ICD) or is defined by the most recent Diagnostic and Statistical Manual of Mental Disorders (DSM).

* * * Physician Assistants * * *

Sec. 4. 26 V.S.A. § 1740 is amended to read:

§ 1740. FEES

(a) Applicants and persons regulated under this chapter shall pay the following fees:

(1) Original application for licensure, \$225.00; the Board shall use at least \$10.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety, which may result from:

(A) a mental condition;

(B) a physical illness or condition, including an illness or condition that adversely affects cognitive, motor, or perceptive skills; or

(C) a substance use disorder, including abuse and dependency on drugs or alcohol.

(2) Biennial renewal, \$215.00; the Board shall use at least \$10.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery

-
- | | |
|------------------------------|-----------|
| (2)(A)(i) Biennial renewal | \$120.00; |
| (ii) Each additional renewal | \$55.00; |

(B)(i) The Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors ~~recovering chemically dependent~~ licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety, which may result from:

(I) a mental condition;

(II) a physical illness or condition, including an illness or condition that adversely affects cognitive, motor, or perceptive skills; or

(III) a substance use disorder, including abuse and dependency on drugs or alcohol.

(ii) In addition to the fee, an applicant for certification renewal shall submit evidence in a manner acceptable to the Board that he or she continues to meet the certification requirements of the ARRT and is licensed as a radiologic technologist under chapter 51 of this title.

- | | |
|-------------------------------|----------|
| (3) Transfer of certification | \$20.00. |
|-------------------------------|----------|

(b) As used in this section, “mental condition” means any psychiatric or emotional disorder that either falls within the diagnostic categories listed in the International Classification of Diseases and Related Health Problems (ICD) or is defined by the most recent Diagnostic and Statistical Manual of Mental Disorders (DSM).

* * * Effective Date * * *

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Bill Amended; Third Reading Ordered

S. 16.

Senator White, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to expanding patient access to the Medical Marijuana Registry.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 4472 is amended to read:

§ 4472. DEFINITIONS

As used in this subchapter:

(1)(A) “Bona fide health care professional-patient relationship” means a treating or consulting relationship of not less than three months’ duration, in the course of which a health care professional has completed a full assessment of the registered patient’s medical history and current medical condition, including a personal physical examination.

(B) The three-month requirement shall not apply if:

(i) a patient has been diagnosed with:

(I) a terminal illness;

(II) cancer; or

(III) acquired immune deficiency syndrome; ~~or,~~

~~(IV) is currently under hospice care.~~

(ii) a patient is currently under hospice care.

~~(ii)(iii)~~ (iii) a patient had been diagnosed with a debilitating medical condition by a health care professional in another jurisdiction in which the patient had been formerly a resident and the patient, now a resident of Vermont, has the diagnosis confirmed by a health care professional in this State or a neighboring state as provided in subdivision (6) of this section, and the new health care professional has completed a full assessment of the patient’s medical history and current medical condition, including a personal physical examination.

~~(iii)(iv)~~ (iv) a patient who is already on the ~~registry~~ Registry changes health care professionals three months or less prior to the annual renewal of the patient’s registration, provided the patient’s new health care professional has completed a full assessment of the patient’s medical history and current medical condition, including a personal physical examination.

(v) a patient is referred by his or her health care professional to a health care professional who specializes in diagnosing and treating certain debilitating medical conditions and that specialist has completed a full

assessment of the patient's medical history and current medical condition, including a personal physical examination.

* * *

(4) “Debilating medical condition;” ~~provided that, in the context of the specific disease or condition described in subdivision (A) or (B) of this subdivision (4), reasonable medical efforts have been made over a reasonable amount of time to relieve the symptoms;~~ means:

(A) cancer, multiple sclerosis, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, glaucoma, post-traumatic stress disorder, Crohn's disease, Parkinson's disease, or the treatment of these conditions, if the disease or the treatment results in severe, persistent, and intractable symptoms; ~~or~~

(B) a disease; or medical condition; or its treatment that is chronic, debilitating, and produces one or more of the following intractable symptoms: cachexia or wasting syndrome; chronic pain; severe nausea; or seizures.

(5) “Dispensary” means a nonprofit entity registered under section 4474e of this title ~~which~~ that acquires, possesses, cultivates, manufactures, transfers, transports, supplies, sells, or dispenses marijuana, marijuana-infused products, and marijuana-related supplies and educational materials for or to a registered patient who has designated it as his or her center and to his or her registered caregiver for the registered patient's use for symptom relief. A dispensary may provide marijuana for symptom relief to registered patients at only one facility or location, but may have a second location associated with the dispensary where the marijuana is cultivated or processed. Both locations are considered to be part of the same dispensary.

* * *

(10) “Ounce” means 28.35 grams.

(11) “Possession limit” means the amount of marijuana collectively possessed between the registered patient and the patient's registered caregiver ~~which~~ that is no more than two mature marijuana plants, seven immature plants, and ~~two~~ three ounces of usable marijuana.

~~(11)~~(12) “Registered caregiver” means a person who is at least 21 years of age, has met eligibility requirements as determined by the Department in accordance with this chapter, and who has agreed to undertake responsibility for managing the well-being of a registered patient with respect to the use of marijuana for symptom relief.

~~(12)~~(13) “Registered patient” means a resident of Vermont who has been issued a registration card by the Department of Public Safety, identifying

the person as having a debilitating medical condition pursuant to the provisions of this subchapter. “Resident of Vermont” means a person whose domicile is Vermont.

~~(13)~~(14) “Secure indoor facility” means a building or room equipped with locks or other security devices that permit access only by a registered caregiver, registered patient, or a principal officer or employee of a dispensary.

~~(14)~~(15) “Transport” means the movement of marijuana and marijuana-infused products from registered growing locations to their associated dispensaries, between dispensaries, to registered patients and registered caregivers in accordance with delivery protocols, or as otherwise allowed under this subchapter.

~~(15)~~(16) “Usable marijuana” means the dried leaves and flowers of marijuana, and any mixture or preparation thereof, and does not include the seeds, stalks, and roots of the plant.

~~(16)~~(17) “Use for symptom relief” means the acquisition, possession, cultivation, use, transfer, or transportation of marijuana; or of paraphernalia relating to the administration of marijuana to alleviate the symptoms or effects of a registered patient’s debilitating medical condition ~~which~~ that is in compliance with all the limitations and restrictions of this subchapter.

Sec. 2. 18 V.S.A. § 4473 is amended to read:

§ 4473. REGISTERED PATIENTS; QUALIFICATION STANDARDS AND PROCEDURES

* * *

(b) The Department of Public Safety shall review applications to become a registered patient using the following procedures:

(1) A patient with a debilitating medical condition shall submit a signed application for registration to the Department. ~~A patient’s initial application to the registry shall be notarized, but subsequent renewals shall not require notarization.~~ If the patient is under 18 years of age, the application must be signed by both the patient and a parent or guardian. The application shall require identification and contact information for the patient and the patient’s registered caregiver applying for authorization under section 4474 of this title, if any, and the patient’s designated dispensary under section 4474e of this title, if any. The applicant shall attach to the application a medical verification form developed by the Department pursuant to subdivision (2) of this subsection.

(2) The Department of Public Safety shall develop a medical verification form to be completed by a health care professional and submitted by a patient applying for registration in the program. The form shall include:

(A) A cover sheet ~~which~~ that includes the following:

- (i) A statement of the penalties for providing false information.
- (ii) Definitions of the following statutory terms:

(I) “Bona fide health care professional-patient relationship” as defined in section 4472 of this title.

(II) “Debilitating medical condition” as defined in section 4472 of this title.

(III) “Health care professional” as defined in section 4472 of this title.

(iii) A statement that the medical verification form is not considered a prescription and that the only purpose of the medical verification form is to confirm that the applicant patient has a debilitating medical condition.

(B) A verification sheet ~~which~~ that includes the following:

(i) A statement that a bona fide health care professional-patient relationship exists under section 4472 of this title; or that, under subdivision (3)(A) of this subsection (b), the debilitating medical condition is of recent or sudden onset, ~~and the patient has not had a previous health care professional who is able to verify the nature of the disease and its symptoms.~~

~~(ii) A statement that reasonable medical efforts have been made over a reasonable amount of time without success to relieve the symptoms. [Repealed.]~~

(iii) A statement that the patient has a debilitating medical condition as defined in section 4472 of this title, including the specific disease or condition ~~which~~ that the patient has and whether the patient meets the criteria under section 4472.

(iv) A signature line ~~which~~ that provides in substantial part: “I certify that I meet the definition of ‘health care professional’ under 18 V.S.A. § 4472, that I am a health care professional in good standing in the State of , and that the facts stated above are accurate to the best of my knowledge and belief.”

(v) The health care professional’s contact information, license number, category of his or her health care profession as defined in subdivision 4472(6) of this title, and contact information for the out-of-state licensing agency, if applicable. The Department of Public Safety shall adopt rules for verifying the goodstanding of out-of-state health care professionals.

(vi) A statement that the medical verification form is not considered a prescription and that the only purpose of the medical verification form is to confirm that the applicant patient has a debilitating medical condition.

(3)(A) The Department of Public Safety shall transmit the completed medical verification form to the health care professional and contact him or her for purposes of confirming the accuracy of the information contained in the form. The Department may approve an application, notwithstanding the ~~six-month~~ three-month requirement in section 4472 of this title, if the Department is satisfied that the medical verification form confirms that the debilitating medical condition is of recent or sudden onset, ~~and that the patient has not had a previous health care professional who is able to verify the nature of the disease and its symptoms.~~

(B) If the health care professional is licensed in another state as provided section 4472 of this title, the Department shall verify that the health care professional is in good standing in that state.

* * *

Sec. 3. 18 V.S.A. § 4474(c)(1) is amended to read:

(c)(1) Except as provided in subdivision (2) of this subsection, a registered caregiver may serve only one registered patient at a time, and a registered patient may have only one registered caregiver at a time. A registered patient may serve as a registered caregiver for one other registered patient.

Sec. 4. 18 V.S.A. § 4474e is amended to read:

§ 4474e. DISPENSARIES; CONDITIONS OF OPERATION

(a) A dispensary registered under this section may:

* * *

(5) Advertise under the following conditions:

(A) Advertising shall not contain any statement or illustration that:

(i) is false or misleading;

(ii) promotes overconsumption; or

(iii) is designed to appeal to children or persons under 18 years of age by portraying anyone under 18 years of age or objects suggestive of the presence of anyone under 18 years of age, or containing the use of a figure, a symbol, or language that is customarily associated with anyone under 18 years of age.

(B) Outdoor advertising shall not be located within 1,000 feet of a preexisting public or private school or a preexisting licensed or regulated child care facility.

(C) All advertising shall contain the following warning: “Marijuana has intoxicating effects and may impair concentration, coordination, and judgment. Do not operate a motor vehicle or heavy machinery or enter into any contractual agreement under the influence of marijuana.”

~~(b)(1) A dispensary shall be operated on a nonprofit basis for the mutual benefit of its patients but need not be recognized as a tax-exempt organization by the Internal Revenue Service.~~

~~(2)~~ A dispensary shall have a sliding-scale fee system that takes into account a registered patient’s ability to pay.

* * *

(d)(1) A dispensary shall implement appropriate security measures to deter and prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana and shall ensure that each location has an operational security alarm system. All cultivation of marijuana shall take place in an enclosed, locked facility which is either indoors or ~~otherwise outdoors, but~~ not visible to the public, and which can only be accessed by principal officers and employees of the dispensary who have valid ~~registry~~ Registry identification cards. The Department of ~~Public Safety~~ shall perform an annual on-site assessment of each dispensary and may perform on-site assessments of a dispensary without limitation for the purpose of determining compliance with this subchapter and any rules adopted pursuant to this subchapter and may enter a dispensary at any time for such purpose. During an inspection, the Department may review the dispensary’s confidential records, including its dispensing records, which shall track transactions according to registered patients’ ~~registry~~ Registry identification numbers to protect their confidentiality.

* * *

(k)(1) No dispensary, or principal officer, board member, or employee of a dispensary shall:

* * *

(C) dispense more than ~~two~~ three ounces of usable marijuana to a registered patient directly or through the qualifying patient’s registered caregiver during a 30-day period;

Sec. 5. 18 V.S.A. § 4474f is amended to read:

§ 4474f. DISPENSARY APPLICATION, APPROVAL, AND
REGISTRATION

* * *

(b) ~~Within 30 days of the adoption of rules, the Department shall begin accepting applications for the operation of dispensaries. Within 365 days of the effective date of this section, the Department shall grant registration certificates to four dispensaries, provided at least four applicants apply and meet the requirements of this section.~~ No more than four eight dispensaries shall hold valid registration certificates at one time. Any time a dispensary registration certificate is revoked, is relinquished, or expires, the Department shall accept applications for a new dispensary. If ~~at any time after one year after the effective date of this section~~ fewer than four eight dispensaries hold valid registration certificates in Vermont, the Department of ~~Public Safety~~ shall accept applications for a new dispensary.

* * *

Sec. 5a. DEPARTMENT OF PUBLIC SAFETY

The Department of Public Safety shall begin to accept applications for the additional four dispensaries on July 1, 2017.

Sec. 6. 18 V.S.A. § 4474h is amended to read:

§ 4474h. PATIENT DESIGNATION OF DISPENSARY

(a) A registered patient may obtain marijuana only from the patient's designated dispensary and may designate only one dispensary. ~~If a registered patient designates a dispensary, the patient and his or her caregiver may not grow marijuana or obtain marijuana or marijuana infused products for symptom relief from any source other than the designated dispensary.~~ A registered patient who wishes to change his or her dispensary shall notify the Department of Public Safety in writing on a form issued by the Department and shall submit with the form a fee of \$25.00. The Department shall issue a new identification card to the registered patient within 30 days of receiving the notification of change in dispensary. The registered patient's previous identification card shall expire at the time the new identification card takes effect. A registered patient shall submit his or her expired identification card to the Department within 30 days of expiration. A registered patient shall not change his or her designated dispensary more than once in any 30-day period.

* * *

Sec. 7. 18 V.S.A. § 4474n is added to read:

§ 4474n. TESTING; AGENCY OF AGRICULTURE, FOOD AND MARKETS

The Agency of Agriculture, Food and Markets shall conduct periodic analytical sample testing of marijuana-infused edible or potable products sold by a dispensary to ensure appropriate labeling of the tetrahydrocannabinol content as required by subdivision 4474e(h)(2) of this chapter.

Sec. 8. 6 V.S.A. chapter 5 is amended to read:

CHAPTER 5. CENTRAL TESTING LABORATORY

§ 121. CREATION AND PURPOSE

There is created within the Agency of Agriculture, Food and Markets a central testing laboratory for the purpose of providing agricultural ~~and~~, environmental, and other necessary testing services.

§ 122. FEES

Notwithstanding 32 V.S.A. § 603, the Agency shall establish fees for providing agricultural ~~and~~, environmental, and other necessary testing services at the request of private individuals and State agencies. The fees shall be reasonably related to the cost of providing the services. Fees collected under this chapter shall be credited to a special fund which shall be established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and which shall be available to the Agency to offset the cost of providing the services.

§ 123. REGULATED DRUGS

(a) Except as provided in subsection (b) of this section, the provisions of 18 V.S.A. chapter 84 shall not apply to the Secretary or designee in the otherwise lawful performance of his or her official duties requiring the possession or control of regulated drugs.

(b) The central testing laboratory shall obtain a certificate of approval from the Department of Health pursuant to 18 V.S.A. § 4207.

(c) As used in this section, “regulated drug” shall have the same meaning as in 18 V.S.A. § 4201.

Sec. 9. AUTHORITY FOR CURRENTLY REGISTERED DISPENSARY ORGANIZED AS A NONPROFIT CORPORATION TO CONVERT TO FOR-PROFIT ENTITY.

(a) Notwithstanding the provisions of Title 11B and any other rule to the contrary, a dispensary organized as a nonprofit corporation and registered pursuant to 18 V.S.A. chapter 86 may convert to a domestic corporation pursuant to and in accordance with 11A V.S.A. chapter 11 as if the dispensary

were a domestic organization, except that the dispensary shall approve a plan of conversion pursuant to 11A V.S.A. § 11.04 by a majority vote of its board of directors and may otherwise disregard any provision of 11A V.S.A. chapter 11 that relates to shareholders.

(b) Notwithstanding 18 V.S.A. § 4474e or any rule to the contrary, the converted domestic corporation may continue to operate on a for-profit basis in accordance with the terms of its registration, 18 V.S.A. chapter 86, and any rules adopted pursuant to that chapter.

Sec. 10. EFFECTIVE DATES

(a) Sec. 9 shall take effect on passage.

(b) The remaining sections of this act shall take effect on July 1, 2017.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Committee Relieved of Further Consideration; Bill Committed

S. 34.

On motion of Senator White, the Committee on Government Operations was relieved of further consideration of Senate bill entitled:

An act relating to cross-promoting development incentives and State policy goals.

And the bill was committed to the Committee on Agriculture.

Adjournment

On motion of Senator Balint, the Senate adjourned until ten o'clock and twenty minutes in the morning.

THURSDAY, FEBRUARY 16, 2017

In the absence of the President (who was Acting Governor in the absence of the Governor) the Senate was called to order by the President *pro tempore*.

Devotional Exercises

Devotional exercises were conducted by the Reverend Rosaire Bisson of Barre.

Message from the House No. 20

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered joint resolution originating in the Senate of the following title:

J.R.S. 16. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 85.

By Senators Pearson, Balint, Mullin, Starr and Westman,

An act relating to simplifying government for small businesses.

To the Committee on Economic Development, Housing and General Affairs.

S. 86.

By Senators Sears and Benning,

An act relating to expungement.

To the Committee on Judiciary.

Committee Bill Introduced

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

S. 87.

By the Committee on Judiciary,

An act relating to sexual exploitation of students.

Recess

The Chair declared a recess until the fall of the gavel.

Called to Order

The Senate was called to order by the President *pro tempore*.

Joint Assembly

At ten o'clock and thirty minutes in the morning, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

J.R.S. 13. Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

The Senate repaired to the hall of the House.

Having returned therefrom, at eleven o'clock and forty-five minutes in the morning, the President *pro tempore* assumed the Chair.

Adjournment

On motion of Senator Mazza, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

FRIDAY, FEBRUARY 17, 2017

Pursuant to the Senate Rules, in the absence of the President, the Senate was called to order by the President *pro tempore*.

Devotional Exercises

Devotional exercises were conducted by the Reverend Rick Swanson of Stowe.

Message from the House No. 21

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 55. An act relating to appointing public defenders for accused persons 25 years of age or less.

H. 75. An act relating to the Government Accountability Committee and the State Outcomes Report.

H. 238. An act relating to modernizing and reorganizing Title 7.

In the passage of which the concurrence of the Senate is requested.

The House has considered Senate proposal of amendment to the following House bill:

H. 125. An act relating to fiscal year 2017 budget adjustments.

And has severally concurred therein.

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 39. House concurrent resolution in memory of Londonderry Selectboard Chair Steve Prouty.

H.C.R. 40. House concurrent resolution congratulating the Vermont League of Cities and Towns on its 50th anniversary.

H.C.R. 41. House concurrent resolution congratulating Alicia Dana of Putney on winning a silver medal in the women's handcycling time trial at the Rio 2016 Paralympic Games.

H.C.R. 42. House concurrent resolution honoring the creators of "Our Time" song and music video.

H.C.R. 43. House concurrent resolution designating February 16, 2017 as Suicide Prevention Awareness Day in Vermont.

H.C.R. 44. House concurrent resolution congratulating the 2016 Windsor High School Yellow Jackets Division III championship football team.

H.C.R. 45. House concurrent resolution in memory of Barbara A. MacIntyre.

H.C.R. 46. House concurrent resolution congratulating the 2016 Proctor High School Division IV girls' soccer championship team.

In the adoption of which the concurrence of the Senate is requested.

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 55.

An act relating to appointing public defenders for accused persons 25 years of age or less.

To the Committee on Judiciary.

H. 75.

An act relating to the Government Accountability Committee and the State Outcomes Report.

To the Committee on Rules.

H. 238.

An act relating to modernizing and reorganizing Title 7.

To the Committee on Economic Development, Housing and General Affairs.

Bills Passed

Senate bills of the following titles were severally read the third time and passed:

S. 12. An act relating to increasing the maximum prison sentence for first, second, and subsequent offenses of aggravated animal cruelty.

S. 14. An act relating to expanding the Vermont Practitioner Recovery Network.

S. 16. An act relating to expanding patient access to the Medical Marijuana Registry.

Bill Amended; Bill Passed

S. 23.

Senate bill entitled:

An act relating to juvenile jurisdiction.

Was taken up.

Thereupon, pending third reading of the bill, Senator Flory moved to amend the bill as follows:

First: In Sec. 4, in 33 V.S.A. § 5281, subsection (b), after the following: “the Family Division shall hold a hearing pursuant to section 5283 of this title.” by inserting a new sentence to read as follows: Pursuant to section 5110 of this title, the hearing shall be confidential.

Second: In Sec. 4, in 33 V.S.A. § 5282, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) A report filed pursuant to this section is privileged and shall not be disclosed to any person other than:

(1) the Department;

(2) the court;

(3) the State’s Attorney;

(4) the youth, the youth’s attorney, and the youth’s guardian ad litem;

(5) the youth’s parent, guardian, or custodian if the youth is under 18 years of age, unless the court finds that disclosure would be contrary to the best interest of the child;

(6) the Department of Corrections; or

(7) any other person when the court determines that the best interests of the youth would make such a disclosure desirable or helpful.

Which were collectively agreed to.

Thereupon, the bill was read the third time and passed.

Third Reading Ordered

H. 53.

Senator Pearson, for the Committee on Natural Resources and Energy, to which was referred House bill entitled:

An act relating to permitting planting projects in flood hazard areas.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Representative Olsen,

H.C.R. 39.

House concurrent resolution in memory of Londonderry Selectboard Chair Steve Prouty.

By Reps. Devereux and others,

H.C.R. 40.

House concurrent resolution congratulating the Vermont League of Cities and Towns on its 50th anniversary.

By Reps. Deen and others,

H.C.R. 41.

House concurrent resolution congratulating Alicia Dana of Putney on winning a silver medal in the women's handcycling time trial at the Rio 2016 Paralympic Games.

By Reps. Troiano and others,

H.C.R. 42.

House concurrent resolution honoring the creators of “Our Time” song and music video.

By Reps. Donahue and others,

By Senators Ayer, Nitka, and White,

H.C.R. 43.

House concurrent resolution designating February 16, 2017 as Suicide Prevention Awareness Day in Vermont

By Reps. Belaski and others,

H.C.R. 44.

House concurrent resolution congratulating the 2016 Windsor High School Yellow Jackets Division III championship football team.

By Reps. Miller and others,

By Senators Campion and Sears,

H.C.R. 45.

House concurrent resolution in memory of Barbara A. MacIntyre.

By Reps. Potter and others,

By Senators Collamore, Flory, and Mullin,

H.C.R. 46.

House concurrent resolution congratulating the 2016 Proctor High School Division IV girls’ soccer championship team.

Adjournment

On motion of Senator Mazza, the Senate adjourned, to reconvene on Tuesday, February 21, 2017, at nine o’clock and thirty minutes in the forenoon pursuant to J.R.S. 16.

TUESDAY, FEBRUARY 21, 2017

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Taihaku of East Calais.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Joint Senate Resolution Adopted on the Part of the Senate**J.R.S. 20.**

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senator Ashe,

J.R.S. 20. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 24, 2017, it be to meet again no later than Tuesday, February 28, 2017.

Senate Resolution Referred**S.R. 7.**

Senate resolution of the following title was offered, read the first time and is as follows:

Senate resolution commending the friendly bilateral relations between Taiwan and both the United States and the State of Vermont and supporting Taiwan's full participation in the international community.

By Senators Mullin and Ayer,

S.R. 7. Senate resolution relating to commending the friendly bilateral relations between Taiwan and both the United States and the State of Vermont and supporting Taiwan's full participation in the international community.

Whereas, both the United States and the State of Vermont share warm relationships with the Republic of China (Taiwan) and its 23.52 million residents that are based on commonly held political and economic values, and

Whereas, on May 20, 2016, democratic Taiwan inaugurated Tsai Ing-wen as the island's first woman president in a peaceful transition of power, and she has promoted improved relations with the United States and peace in the AsiaPacific region, and

Whereas, according to the U.S. Census Bureau, as of November 2015, Taiwan ranked as the United States' 10th largest trading partner with yeartodate bilateral trade standing at \$65.4 billion, and as of the close of 2015, Vermont exported products worth \$109.54 million to Taiwan, making Taiwan the State's ninth largest export market, and

Whereas, Taiwan and Vermont established a sister state relationship in 1999, and this strong bilateral relationship includes trade, educational and cultural exchanges, scientific and technological interests, and tourism, and

Whereas, Taiwan has jurisdiction over the geographically large Taipei Flight Information Region and deserves membership in the International Civil Aviation Organization, and

Whereas, the United Nations Framework Convention on Climate Change, adopted in Paris in 2015, is a major global environmental protection effort, and Taiwan desires to participate fully in this undertaking, and

Whereas, Taiwan's inclusion in the International Criminal Police Organization and the World Health Organization would bring its innovative economic and proudly democratic voice to these important organizations, *now therefore be it*

Resolved by the Senate:

That the Senate of the State of Vermont commends the friendly bilateral relations between Taiwan and both the United States and the State of Vermont and supports Taiwan's full participation in the international community, *and be it further*

Resolved: That the Secretary of the Senate be directed to send copies of this resolution to Governor Philip B. Scott, the Vermont Congressional Delegation, Taiwanese President Tsai Ing-wen, and Scott Lai, Director General of the Taipei Economic and Cultural Office in Boston.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Economic Development, Housing and General Affairs.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 88.

By Senators Clarkson, Lyons, Branagan and Pollina,

An act relating to increasing the smoking age from 18 to 21 years of age.

To the Committee on Health and Welfare.

S. 89.

By Senator Clarkson,

An act relating to the manner in which average daily membership is computed for public high school students exercising school choice.

To the Committee on Education.

S. 90.

By Senators Lyons, Ayer, Balint, Branagan, Clarkson, Collamore, Ingram, Pearson, Pollina and Sirotkin,

An act relating to coordinating Vermont's response to adverse childhood and family experiences.

To the Committee on Health and Welfare.

Bill Passed in Concurrence**H. 53.**

House bill of the following title was read the third time and passed in concurrence:

An act relating to permitting planting projects in flood hazard areas.

Adjournment

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Wednesday, February 22, 2017.

WEDNESDAY, FEBRUARY 22, 2017

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Daniel Jordan of Williston.

Message from the House No. 22

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 25. An act relating to sexual assault survivors' rights.

H. 27. An act relating to eliminating the statute of limitations on prosecutions for sexual assault.

H. 35. An act relating to adopting the Uniform Voidable Transactions Act.

H. 74. An act relating to nonconsensual sexual conduct.

In the passage of which the concurrence of the Senate is requested.

Message from the House No. 23

A message was received from the House of Representatives by Ms. Melissa Kucserik, its First Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered Senate proposal of amendment to the following House Concurrent Resolution:

H.C.R. 35. House concurrent resolution commemorating the 240th anniversary of the Battle of Hubbardton.

And has concurred therein.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 91.

By Senator Mullin,

An act relating to ballot privacy folders.

To the Committee on Government Operations.

S. 92.

By Senators Lyons, Pearson, Ayer, Campion, Cummings and Sirotkin,

An act relating to interchangeable biological products.

To the Committee on Health and Welfare.

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 25.

An act relating to sexual assault survivors' rights.

To the Committee on Judiciary.

H. 27.

An act relating to eliminating the statute of limitations on prosecutions for sexual assault.

To the Committee on Judiciary.

H. 35.

An act relating to adopting the Uniform Voidable Transactions Act.

To the Committee on Judiciary.

H. 74.

An act relating to nonconsensual sexual conduct.

To the Committee on Judiciary.

Adjournment

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Thursday, February 23, 2017.

THURSDAY, FEBRUARY 23, 2017

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Katelyn Macrae of Richmond.

Message from the House No. 24

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered joint resolution originating in the Senate of the following title:

J.R.S. 20. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Bill Amended; Third Reading Ordered**S. 7.**

Senator Benning, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to deferred sentences and the sex offender registry.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 5401 is amended to read:

§ 5401. DEFINITIONS

As used in this subchapter:

* * *

(15)(A) “Conviction” means a judgment of guilt following a verdict or finding of guilt, a plea of guilty, a plea of nolo contendere, an Alford Plea, or a judgment of guilt pursuant to a deferred sentence.

(B) A sex offender whose sentence is deferred shall have no duty to register ~~after successful completion of the terms of the deferred sentence agreement for the duration specified in the agreement unless:~~

(i) the offender violates the terms of the deferred sentence agreement and is sentenced on the conviction, in which case the offender’s name shall remain on the Registry for the period of time required by subsection 5407(e) or (f) of this title; or

(ii) the court finds that the interests of justice warrant placing the offender’s name on the Registry during the period when the sentence is deferred, in which case the offender’s name shall be removed from the Registry upon his or her successful completion of the deferred sentence agreement.

* * *

Sec. 2. 13 V.S.A. § 5411a is amended to read:

§ 5411a. ELECTRONIC POSTING OF THE SEX OFFENDER REGISTRY

* * *

(e) Information regarding a sex offender shall not be posted electronically if the conduct that is the basis for the offense is criminal only because of the age of the victim and the perpetrator is within 38 months of age of the victim.

(f) Information regarding a sex offender shall not be posted electronically prior to the offender reaching ~~the age of 18 years of age,~~ but such information shall be otherwise available pursuant to section 5411 of this title.

* * *

(m) Information regarding a sex offender whose sentence is deferred shall not be posted electronically unless the offender violates the terms of the deferred sentence agreement and is sentenced on the conviction.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered on a roll call, Yeas 30, Nays 0.

Senator MacDonald having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Benning, Branagan, Bray, Brooks, Campion, Clarkson, Collamore, Cummings, Degree, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Bill Amended; Third Reading Ordered

S. 50.

Senator Lyons, for the Committee on Health and Welfare, to which was referred Senate bill entitled:

An act relating to insurance coverage for telemedicine services delivered in or outside a health care facility.

Reported recommending that the bill be amended by striking out Sec. 1 in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 8 V.S.A. § 4100k is amended to read:

§ 4100k. COVERAGE OF TELEMEDICINE SERVICES

(a) All health insurance plans in this State shall provide coverage for telemedicine services delivered by a health care provider at a distant site to a patient ~~in a health care facility~~ at an originating site to the same extent that the services would be covered if they were provided through in-person consultation.

(b) A health insurance plan may charge a deductible, co-payment, or coinsurance for a health care service provided through telemedicine so long as

it does not exceed the deductible, co-payment, or coinsurance applicable to an in-person consultation.

(c) A health insurance plan may limit coverage to health care providers in the plan's network and may require originating site health care providers to document the reason the services are being provided by telemedicine rather than in person. A health insurance plan shall not impose limitations on the number of telemedicine consultations a covered person may receive that exceed limitations otherwise placed on in-person covered services.

(d) Nothing in this section shall be construed to prohibit a health insurance plan from providing coverage for only those services that are medically necessary, subject to the terms and conditions of the covered person's policy.

(e) A health insurance plan may reimburse for teleophthalmology or teledermatology provided by store and forward means and may require the distant site health care provider to document the reason the services are being provided by store and forward means.

(f) Nothing in this section shall be construed to require a health insurance plan to reimburse the distant site health care provider if the distant site health care provider has insufficient information to render an opinion.

(g) In order to facilitate the use of telemedicine in treating substance use disorder, health insurers and the Department of Vermont Health Access shall ensure that both the treating clinician and the hosting facility are reimbursed for the services rendered, unless the health care providers at both the host and service sites are employed by the same entity.

(h) As used in this subchapter:

(1) "Distant site" means the location of the health care provider delivering services through telemedicine at the time the services are provided.

(2) "Health insurance plan" means any health insurance policy or health benefit plan offered by a health insurer, as defined in 18 V.S.A. § 9402, as well as Medicaid and any other public health care assistance program offered or administered by the State or by any subdivision or instrumentality of the State. The term does not include policies or plans providing coverage for specified disease or other limited benefit coverage.

~~(2)~~(3) "Health care facility" shall have the same meaning as in 18 V.S.A. § 9402.

~~(3)~~(4) "Health care provider" means:

(A) a physician licensed pursuant to 26 V.S.A. chapter 23 or 33;

(B) a naturopathic physician licensed pursuant to 26 V.S.A. chapter 81;

(C) an advanced practice registered nurse licensed pursuant to 26 V.S.A. chapter 28, subchapter 3;

(D) a physician assistant licensed pursuant to 26 V.S.A. chapter 31;

(E) a psychologist licensed pursuant to 26 V.S.A. chapter 55;

(F) a social worker licensed pursuant to 26 V.S.A. chapter 61;

(G) an alcohol and drug abuse counselor licensed pursuant to 26 V.S.A. chapter 62;

(H) a clinical mental health counselor licensed pursuant to 26 V.S.A. chapter 65;

(I) a marriage and family therapist licensed pursuant to 26 V.S.A. chapter 76;

(J) a psychoanalyst licensed pursuant to 26 V.S.A. chapter 77;

(K) a physical therapist licensed pursuant to 26 V.S.A. chapter 38;

(L) an occupational therapist licensed pursuant to 26 V.S.A. chapter 71;

(M) a speech-language pathologist licensed pursuant to 26 V.S.A. chapter 87; and

(N) a dietician certified pursuant to 26 V.S.A. chapter 73.

(5) “Originating site” means the location of the patient, whether or not accompanied by a health care provider, at the time services are provided by a health care provider through telemedicine, including a health care provider’s office, a hospital, or a health care facility, or the patient’s home or another nonmedical environment such as a school-based health center, a university-based health center, or the patient’s workplace.

(6) “Store and forward” means an asynchronous transmission of medical information to be reviewed at a later date by a health care provider at a distant site who is trained in the relevant specialty and by which the health care provider at the distant site reviews the medical information without the patient present in real time.

~~(4)~~(7) “Telemedicine” means the delivery of health care services such as diagnosis, consultation, or treatment through the use of live interactive audio and video over a secure connection that complies with the requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-

191. Telemedicine does not include the use of audio-only telephone, e-mail, or facsimile.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Bill Amended; Third Reading Ordered

S. 79.

Senator Sears, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to freedom from compulsory collection of personal information.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS AND LEGISLATIVE INTENT

The General Assembly finds that:

(1) In Vermont, we celebrate the rich cultural heritage and diversity of our residents.

(2) All Vermont residents should be free from discrimination on the basis of their sex, sexual orientation, gender identity, marital status, race, color, religion, national origin, immigration status, age, or disability.

(3) Vermont must uphold the protection of religious freedom enshrined in the U.S. Constitution and the Vermont Constitution for all its people, and the State has a moral obligation to protect its residents from religious persecution.

(4) Article 3 of Chapter I of the Vermont Constitution prohibits any power from assuming any authority that interferes with or controls, in any manner, the rights of conscience in the free exercise of religious worship.

(5) Article 7 of Chapter I of the Vermont Constitution, also known as the Common Benefits Clause, provides that State benefits and protections are “for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single person, family, or set of persons, who are a part only of that community.”

(6) Vermont residents have a right to privacy with respect to religious affiliation and an expectation that religious affiliation or identification shall not affect their residency in the State.

(7) Vermont residents are afforded the benefits and protections of law enforcement and public safety without regard to their sex, sexual orientation, gender identity, marital status, race, color, religion, national origin, immigration status, age, or disability. Consequently, they have a reasonable expectation that government officials will not monitor them or otherwise single them out merely on the basis of these characteristics. They likewise have a reasonable expectation that State and local government officials will not contribute to the creation or development of a registry based on the personally identifying information as defined in this act. Indeed, Vermont residents have expressed grave concerns that the federal government seeks to create or develop such a registry, which would be contrary to Vermont and American values. This act is intended to narrowly address those concerns without impeding Vermont residents' enjoyment of other legal rights and benefits.

(8) Vermont State and local law enforcement work tirelessly to protect the rights and security of all Vermont residents afforded them under the Vermont and U.S. Constitutions. Moreover, Vermont residents benefit from and are safer through the cooperative and mutually beneficial interaction between local, State, and federal law enforcement, including the U.S. Border Patrol.

(9) Vermont residents are more likely to engage with law enforcement and other officials by reporting emergencies, crimes, and acting as witnesses; to participate in economic activity; and to be engaged in civic life if they can be assured they will not be singled out on the basis of the personally identifying information as defined in this act.

(10) This act is not intended to interfere with the enforcement of Vermont's public safety laws or efforts to prioritize immigration enforcement concerning individuals who pose a threat to Vermont's public safety.

(11) The State of Vermont therefore has a substantial, sovereign interest in prohibiting State and local government officials from collecting or disclosing certain information to federal authorities for the purposes of registration of its residents based on the personally identifying information as defined in this act. These prohibitions are not intended to interfere with Vermont residents' rights to free and equal access to government benefits and protection or the collection or sharing of data necessary to provide such benefits and protections.

Sec. 2. 20 V.S.A. chapter 207 is added to read:

CHAPTER 207. PROTECTION OF PERSONALLY IDENTIFYING
INFORMATION

§ 4651. PROHIBITED DISCLOSURE OF PERSONALLY IDENTIFYING
INFORMATION

(a) As used in this section:

(1) “Personally identifying information” means information concerning a person’s sex, sexual orientation, gender identity, marital status, race, color, religion, national origin, immigration status, age, or disability.

(2) “Public agency” has the same meaning as in 1 V.S.A. § 317 and shall include all officers, employees, agents, and independent contractors of the public agency.

(b) A public agency shall not:

(1) collect information regarding the religious beliefs, practices, or affiliation of any individual for the purpose of registration of an individual based on his or her religious beliefs, practices, or affiliations;

(2) knowingly disclose personally identifying information to any federal agency or official for the purpose of registration of an individual based on his or her personally identifying information; or

(3) use public agency money, facilities, property, equipment, or personnel to assist in creating or enforcing any federal government program for the registration of an individual based on his or her personally identifying information.

(c) Any section, term, or provision of an agreement in existence on the effective date of this section that conflicts with subsection (b) of this section shall be invalidated on that date to the extent of the conflict.

(d) Nothing in this section is intended to prohibit or impede any public agency from complying with the lawful requirements of 8 U.S.C. §§ 1373 and 1644. To the extent any State or local law enforcement policy or practice conflicts with the lawful requirements of 8 U.S.C. §§ 1373 and 1644, said policy or practice is, to the extent of such conflict, abolished.

(e) Nothing in this section is intended to prohibit or impede any public agency from disclosing or exchanging aggregated information that cannot be used to identify an individual with any other public agency or federal agency or official.

§ 4652. AUTHORIZATION TO ENTER INTO AGREEMENTS
PURSUANT TO 8 U.S.C. § 1357(g) AND 19 U.S.C. § 1401(i)

(a) Notwithstanding any other provision of law, only the Governor, in consultation with the Vermont Attorney General, is authorized to enter into, modify, or extend an agreement pursuant to 8 U.S.C. § 1357(g) or 19 U.S.C. § 1401(i).

(b) Notwithstanding subsection (a) of this section, a State, county, or municipal law enforcement agency is authorized to enter into an agreement pursuant to 8 U.S.C. § 1357(g) or 19 U.S.C. § 1401(i) when necessary to address threats to the public safety or welfare of Vermont residents arising out of a declaration of a State or national emergency.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered on a roll call, Yeas 30, Nays 0.

Senator Ashe having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Benning, Branagan, Bray, Brooks, Campion, Clarkson, Collamore, Cummings, Degree, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Message from the House No. 25

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 3. An act relating to burial depth in cemeteries.

In the passage of which the concurrence of the Senate is requested.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the twenty-third day of February, 2017 he approved and signed a bill originating in the Senate of the following title:

S. 2. An act relating to information sharing by the Commissioner of Financial Regulation.

Adjournment

On motion of Senator Ashe, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

FRIDAY, FEBRUARY 24, 2017

In the absence of the President (who was Acting Governor in the absence of the Governor) the Senate was called to order by the President *pro tempore*.

Devotional Exercises

Devotional exercises were conducted by the Reverend John H.D. Lucy of Waterbury Center.

Message from the House No. 26

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed House bill of the following title:

H. 201. An act relating to length of stay at designated shelters.

In the passage of which the concurrence of the Senate is requested.

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 47. House concurrent resolution designating February 16, 2017 as Afterschool Day at the State House.

H.C.R. 48. House concurrent resolution honoring former Brattleboro Town Clerk Annette Cappy.

H.C.R. 49. House concurrent resolution congratulating Doris Streeter of Dorset on being named a WCAX Television Super Senior.

H.C.R. 50. House concurrent resolution honoring Mary Ann Wilson for her outstanding public service in Morristown.

H.C.R. 51. House concurrent resolution congratulating the 2016 Proctor High School Phantoms Division IV boys' soccer championship team.

H.C.R. 52. House concurrent resolution designating March 4, 2017 as Carleton Upham Carpenter Jr. Day in Vermont.

H.C.R. 53. House concurrent resolution honoring former Shelburne Town Clerk and Treasurer Colleen Haag for her exemplary municipal service.

In the adoption of which the concurrence of the Senate is requested.

Joint Resolution Placed on Calendar

J.R.S. 21.

Joint Senate resolution of the following title was offered, read the first time and is as follows:

By Senator Nitka,

J.R.S. 21. Joint resolution providing for a Joint Assembly to vote on the retention of a Chief Justice and three Justices of the Supreme Court and ten Superior Court Judges.

Whereas, declarations have been submitted by the following justices and judges that they be retained for another six-year term, the Honorable Justice Reiber, Justice Eaton, Jr., Justice Robinson, Justice Skoglund, Judge Arms, Judge Bent, Judge Carlson, Judge Corsones, Judge Devine, Judge DiMauro, Judge Kainen, Judge Morrissey, Judge Rainville and Judge Schoonover, and

Whereas, the procedures of the Joint Committee on Judicial Retention require at least two public hearings and the review of information provided by each judge and the comments of members of the Vermont bar and the public, and

Whereas, the Committee anticipates that it will be unable to fulfill its responsibilities under subsection 608(b) of Title 4 to evaluate the judicial performance of the judges seeking to be retained in office by March 9, 2017, the date specified in subsection 608(e) of Title 4, and for a vote in Joint Assembly to be held on March 16, 2017, the date specified in subsection 10(b) of Title 2, and

Whereas, subsection 608(g) of Title 4 permits the General Assembly to defer action on the retention of judges to a subsequent Joint Assembly when

the Committee is not able to make a timely recommendation, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, March 23, 2017, at nine o'clock and thirty minutes in the forenoon to vote on the retention of a Chief Justice and three Associate Justices of the Supreme Court and ten Superior Court Judges. In case the vote to retain said Justices and Judges shall not be made on that day, the two Houses shall meet in Joint Assembly at nine o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed until the above is completed.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 93.

By Senators Lyons, Ingram, Pearson and Sirotkin,

An act relating to mental health parity for workers' compensation.

To the Committee on Finance.

S. 94.

By Senators Lyons and Balint,

An act relating to promoting remote work and flexible work arrangements.

To the Committee on Economic Development, Housing and General Affairs.

S. 95.

By Senators Ayer, Cummings, Ingram, Lyons and McCormack,

An act relating to sexual assault nurse examiners.

To the Committee on Health and Welfare.

S. 96.

By Sears and White,

An act relating to a news media privilege.

To the Committee on Judiciary.

S. 97.

By Senators Pollina and White,

An act relating to the publication of State, county, and municipal notice on electronic news media.

To the Committee on Government Operations.

S. 98.

By Senators Pearson, Baruth, Branagan, Clarkson, Pollina, Sirotkin and White,

An act relating to the Public Retirement Study Committee.

To the Committee on Economic Development, Housing and General Affairs.

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 3.

An act relating to burial depth in cemeteries.

To the Committee on Economic Development, Housing and General Affairs.

H. 201.

An act relating to length of stay at designated shelters.

To the Committee on Health and Welfare.

Third Reading Ordered**S. 87.**

Senate committee bill entitled:

An act relating to sexual exploitation of students.

Having appeared on the Calendar for notice for one day, was taken up.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the bill be read a third time?, Senator Benning moved to amend the bill as follows:

First: In Sec. 2, 13 V.S.A. § 1386, after the word “adult”, by inserting the words or minor

Second: In Sec. 4. subsection (b), by striking out the word “eight” and inserting in lieu thereof the word ten

Third: In Sec. 4, subsection (b), by striking out subdivisions (7) and (8) in their entirety and inserting in lieu thereof the following:

(7) the Executive Director of the Department of State’s Attorneys and Sheriffs or designee;

(8) the Defender General or designee;

(9) the Commissioner of the Department for Children and Families or designee; and

(10) the Executive Director of the Vermont Superintendent’s Association or designee.

Fourth: By adding a new Sec. 5 to read as follows:

Sec. 5. 16 V.S.A. § 914 is added to read:

§ 914. CHILD ABUSE AND NEGLECT HOTLINE

Each public school and each independent school shall post in English and Spanish the toll-free telephone number operated by the Department for Children and Families to receive reports of child abuse and neglect and directions for accessing the office of the Department for Children and Families and its website.

Fifth: By striking out Sec. 7 in its entirety and inserting in lieu thereof:

Sec. 6. EFFECTIVE DATES

This act shall take effect on July 1, 2017, except that Sec. 4 (Committee for Enhancing School Safety) and this section shall take effect on passage.

Which was agreed to.

Thereupon, third reading of the bill was ordered.

Bills Passed

Senate bills of the following titles were severally read the third time and passed:

S. 7. An act relating to deferred sentences and the sex offender registry.

S. 50. An act relating to insurance coverage for telemedicine services delivered in or outside a health care facility.

S. 79. An act relating to freedom from compulsory collection of personal information.

Bill Amended; Third Reading Ordered**S. 3.**

Senator White, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to mental health professionals' duty to warn.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly in this act to respond to the Vermont Supreme Court's decision in *Kuligoski v. Brattleboro Retreat and Northeast Kingdom Human Services*, 2016 VT 54A, by clarifying a mental health professional's duty to disclose information concerning a client or patient in certain circumstances.

Sec. 2. 18 V.S.A. § 7115 is added to read:

§ 7115. MENTAL HEALTH PROFESSIONAL; DISCLOSURE OF INFORMATION

(a)(1) A mental health professional has a duty to exercise reasonable care to protect an identifiable victim or property from danger when the mental health professional knows or, based upon the standards of his or her respective mental health profession, should know that his or her client or patient poses:

(A) an imminent risk of serious danger to the identifiable victim; or

(B) an imminent risk to property to the extent that the risk represents a lethal threat to a person in the vicinity of the property.

(2) In discharging in good faith the duty described in subdivision (1) of this subsection:

(A) no cause of action against a mental health professional shall arise concerning client or patient privacy or confidentiality for disclosing information to third parties; and

(B) a mental health professional shall not be subject to criminal or civil liability.

(b) A mental health professional shall not be required to violate the standards of his or her respective mental health profession in disclosing information pursuant to this section.

(c) As used in this section:

(1) “Identifiable victim” means a potential victim or victims who are capable of being identified.

(2) “Mental health professional” means the same as in section 7101 of this title.

Sec. 3. 18 V.S.A. § 8011 is added to read:

§ 8011. DISCHARGE PLANS

(a) To the extent permitted under State and federal patient privacy laws, a mental health professional discharging a client or patient from a psychiatric inpatient hospital or residential setting shall include in the discharge plan all necessary information on the client or patient’s condition to enable the person or persons named in the discharge plan to carry out his or her discharge functions.

(b) No cause of action against a mental health professional shall arise concerning client or patient privacy or confidentiality for disclosing information to third parties pursuant to subsection (a) of this section.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Bill Amended; Third Reading Ordered

S. 45.

Senator Ingram, for the Committee on Health and Welfare, to which was referred Senate bill entitled:

An act relating to providing meals to health care providers at conferences.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 4631a is amended to read:

§ 4631a. EXPENDITURES BY MANUFACTURERS OF PRESCRIBED PRODUCTS

(a) As used in this section:

(1) “Allowable expenditures” means:

(A) Payment to the sponsor of a significant educational, medical, scientific, or policy-making conference or seminar, provided:

(i) the payment is not made directly to a health care professional or pharmacist;

(ii) funding is used solely for bona fide educational purposes, except that the sponsor may, in the sponsor's discretion, apply some or all of the funding to provide meals and other food for all conference participants; and

(iii) all program content is objective, free from industry control, and does not promote specific products.

* * *

(H) Sponsorship of an educational program offered by a medical device manufacturer at a national or regional professional society meeting at which programs accredited by the Accreditation Council for Continuing Medical Education, or a comparable professional accrediting entity, are also offered, provided:

(i) no payment is made directly to a health care professional or pharmacist; and

(ii) the funding is used solely for bona fide educational purposes, except that the manufacturer may provide meals and other food for program participants.

(I) The provision of meals or other food for all conference participants at a significant educational, medical, scientific, or policy-making conference or seminar, as long as any content accompanying the meal or other food is accredited by the Accreditation Council for Continuing Medical Education or is otherwise objective, free from industry control, and does not promote specific products.

(J) Other reasonable fees, payments, subsidies, or other economic benefits provided by a manufacturer of prescribed products at fair market value.

* * *

Sec. 2. 18 V.S.A. § 4632 is amended to read:

§ 4632. DISCLOSURE OF ALLOWABLE EXPENDITURES AND GIFTS
BY MANUFACTURERS OF PRESCRIBED PRODUCTS

(a)(1) Annually on or before April 1 of each year, every manufacturer of prescribed products shall disclose to the ~~office of the attorney general~~ Office of the Attorney General for the preceding calendar year the value, nature, purpose, and recipient information of any allowable expenditure or gift

permitted under subdivision 4631a(b)(2) of this title to any health care provider or to a member of the Green Mountain Care ~~board~~ Board established in chapter 220 of this title, except:

* * *

(v) buffet meals, snacks, soft drinks, or coffee ~~or other snacks or refreshments at a booth at a~~ made generally available to all participants of a significant educational, medical, scientific, or policy-making conference or seminar;

* * *

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Rules Suspended; Bill Messaged

On motion of Senator Sears, the rules were suspended, and the following bill was ordered messaged to the House forthwith:

S. 79.

Committee Relieved of Further Consideration; Bill Committed

S. 96.

On motion of Senator Sears, the Committee on Judiciary was relieved of further consideration of Senate bill entitled:

An act relating to a news media privilege,

and the bill was committed to the Committee on Government Operations.

Excused from Session

Senators Kitchel, Cummings, Ayer, Rodgers, Collamore and Balint were excused from the session and voting today.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Reps. Miller and others,

H.C.R. 47.

House concurrent resolution designating February 16, 2017 as Afterschool Day at the State House.

By Reps. Burke and others,

By Senators Balint and White,

H.C.R. 48.

House concurrent resolution honoring former Brattleboro Town Clerk Annette Cappy.

By Rep. Sullivan,

By Senators Campion and Sears,

H.C.R. 49.

House concurrent resolution congratulating Doris Streeter of Dorset on being named a WCAX Television Super Senior.

By Reps. Nolan and others,

By Senator Westman,

H.C.R. 50.

House concurrent resolution honoring Mary Ann Wilson for her outstanding public service in Morristown.

By Reps. Potter and others,

By Senators Collamore, Flory, and Mullin,

H.C.R. 51.

House concurrent resolution congratulating the 2016 Proctor High School Phantoms Division IV boys' soccer championship team.

By Reps. Morrissey and others,

By Senators Campion and Sears,

H.C.R. 52.

House concurrent resolution designating March 4, 2017 as Carleton Upham Carpenter Jr. Day in Vermont.

By Reps. Webb,

By Senators Ashe, Baruth, Ingram, Lyons, Pearson, and Sirotkin,

H.C.R. 53.

House concurrent resolution honoring former Shelburne Town Clerk and Treasurer Colleen Haag for her exemplary municipal service.

Adjournment

On motion of Senator Mazza, the Senate adjourned, to reconvene on Tuesday, February 28, 2017, at nine o'clock and thirty-one minutes in the forenoon pursuant to J.R.S. 20.

TUESDAY, FEBRUARY 28, 2017

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Committee Bills Introduced

Senate committee bills of the following titles were severally introduced, read the first time, and, under the rule, placed on the Calendar for notice tomorrow:

S. 99.

By the Committee on Economic Development, Housing and General Affairs,

An act relating to authorizing additional tax increment financing districts.

S. 100.

By the Committee on Economic Development, Housing and General Affairs,

An act relating to promoting affordable and sustainable housing.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 101.

By Senators Rodgers, Branagan, Collamore, Degree and Starr,

An act relating to the conduct of forestry operations.

To the Committee on Judiciary.

S. 102.

By Senator Pollina,

An act relating to the reduction of postsecondary tuition for Vermont students from families with low and moderate income.

To the Committee on Education.

S. 103.

By Senators Lyons, Campion, Ayer, Balint, Bray, Cummings, Ingram, MacDonald, McCormack and Sears,

An act relating to the regulation of toxic substances and hazardous materials.

To the Committee on Natural Resources and Energy.

S. 104.

By Senator Mullin,

An act relating to nonresidential improvement fraud.

To the Committee on Judiciary.

S. 105.

By Senators Pearson, Benning and Sirotkin,

An act relating to consumer justice enforcement.

To the Committee on Judiciary.

Third Reading Ordered**S. 56.**

Senator Cummings, for the Committee on Finance, to which was referred Senate bill entitled:

An act relating to life insurance policies and the Vermont Uniform Securities Act.

Reported that the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Bill Passed**S. 3.**

Senate bill of the following title:

An act relating to mental health professionals' duty to warn.

Was read the third time and passed, on a roll call, Yeas 26, Nays 0.

Senator Ashe having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Baruth, Benning, Branagan, Bray, Brooks, Campion, Clarkson, Collamore, Cummings, Degree, Flory, Ingram, Lyons, MacDonald, Mazza, McCormack, Mullin, Pearson, Pollina, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Balint, Kitchel, Nitka, Rodgers.

Bill Amended; Bill Passed**S. 45.**

Senate bill entitled:

An act relating to providing meals to health care providers at conferences.

Was taken up.

Thereupon, pending third reading of the bill, Senator Ingram moved to amend the bill by adding a Sec. 3 to read as follows:

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Which was agreed to.

Thereupon, the bill was read the third time and passed.

Bill Passed**S. 87.**

Senate bill of the following title was read the third time and passed:

An act relating to sexual exploitation of students.

Joint Senate Resolution Amended; Third Reading Ordered**J.R.S. 19.**

Senator Lyons, for the Committee on Health and Welfare, to which was referred Joint Senate resolution entitled:

Joint resolution relating to prescription drug pricing.

Reported recommending that the joint resolution be amended in the *third* Resolved clause, by striking out the words “to President Donald Trump,”

And that when so amended the bill ought to pass.

Thereupon, the joint resolution was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the joint resolution was ordered.

Committee Relieved of Further Consideration; Bill Committed**J.R.S. 17.**

On motion of Senator Sears, the Committee on Judiciary was relieved of further consideration of Joint Senate resolution entitled:

Joint resolution rescinding the General Assembly’s request, contained in 2014 Acts and Resolves No. R-454, for Congress to convene a U.S. Constitutional Convention,

and the joint resolution was committed to the Committee on Government Operations.

Committee Relieved of Further Consideration; Bill Committed**S. 76.**

On motion of Senator White, the Committee on Government Operations was relieved of further consideration of Senate bill entitled:

An act relating to property tax appeals,

and the bill was committed to the Committee on Finance.

Adjournment

On motion of Senator Ashe, the Senate adjourned until one o’clock in the afternoon on Wednesday, March 1, 2017.